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ABSTRACT

Project Outreach conducted a survey to assist the National Council on Indian Opportunity (NCIO) in fulfilling its obligations of coordination, appraisal, and innovation of various Federal programs affecting the Indian community. The report covers 49 reservations and Indian groups and is a synthesis of the original responses provided by Indian consultants who were selected to obtain information (on tribal communities, programs, and activities) for discussion at a special NCIO meeting. The document discusses (1) termination, self-determination and contracting Federal programs, education, health care, housing, law-and-order programs, and economic development and (2) the relative effectiveness of the programs of various Federal agencies as seen by Indians served. (LS)

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MEMORANDUM REPORT

PROJECT OUTREACH

AN ASSESSMENT OF TRIBAL ATTITUDES AND APPRAISAL OF THE EXTENT OF TRIBAL COUNCIL EXPERIENCE IN ADMINISTERING FEDERAL ASSISTANCE PROGRAMS

1970

PREPARED FOR:

The National Council on
Indian Opportunity
Office of the Vice President
Washington, D. C.

"TREAT ALL MEN ALIKE, GIVE THEM ALL THE SAME CHANCE TO LIVE AND GROW. THE EARTH IS THE MOTHER OF ALL PEOPLE, AND ALL PEOPLE SHOULD HAVE EQUAL RIGHTS ON IT...LET ME BE A FREE MAN - FREE TO TRAVEL, FREE TO STOP, FREE TO WORK, FREE TO CHOOSE MY OWN TEACHERS, FREE TO FOLLOW THE RELIGION OF MY FATHERS, FREE TO THINK AND ACT FOR MYSELF - AND I WILL OBEY EVERY LAW OR SUBMIT TO THE PENALTY"

--Prayer of Chief Joseph, Nez Perce

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A survey to assist the National Council on Indian Opportunity to fulfill its obligations of coordination, appraisal and innovation of various Federal Programs affecting the Indian community.

By: John Belindo
Myron Jones
Herschel Sahmaunt
William Hallett
John Baker
George Harris
William Cuny
Ernie Stevens
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"This Administration does not even expect complete uniformity and agreement among Indians as to their own goals or needs or desired programs. We must be flexible. For too long the Indian has been forced to fit a particular program. From now on the programs will be tailored to fit the particular Indian requirements. We will work with the Indian people on a community-by-community and tribe-by-tribe basis to develop programs best suited to local needs and priorities... The Indian people must have the right to accept or reject local control... Some communities might want no part of change now. Others might prefer maximum local administrative authority and responsibility. A full range of alternatives should be available. Above all, the Federal government must be ready at all times to respond to reasonable local determinations... In fact, no change in the operation of federally funded services should go forward without full local discussion and agreement..."

Spiro T. Agnew
The Vice President

From an address before the
National Congress of American Indians
October 8, 1969
Albuquerque, New Mexico

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

OFFICE OF THE VICE PRESIDENT

WASHINGTON 20

MEMORANDUM

We are indebted to Mr. John Belindo and the members of the Project Outreach group for the excellent job they have done which resulted in this final report.

The project is only one example of the many consultative meetings which have been held and will continue to be held with Indian people. It represents one form of involvement in the policy and program formulation process at the Federal level. The valuable information gained will be utilized by the Indian members of the Council in making their recommendations.

Project Outreach is an invitation to further discussion in which Indian people throughout the country can comment on those programs, policies and problems of interest to them. Individuals, tribes and Federal agencies should examine the report and let NCIO receive their responses to it. Tribes especially are urged to submit to NCIO comments on their local situations and on the tentative conclusions reached by the field people and by the report writers.

The National Council on Indian Opportunity is not a program agency. It is, rather, a clearing house, a coordinating and evaluating center at the highest level of the Federal system. The Council is important for Indian people because it is here, through the Indian members of NCIO, that they are able to communicate directly to the Vice President, as chairman, and the Cabinet office members, the needs, desires and aspirations of Indians and Alaska Natives.

For the sake of better presentation and readability, the original consultant reports have not been made a part of this final report. However, these individual consultant field reports are on file in the NCIO offices and are available on request.

We look forward to hearing from you in regard to the report and look forward, also, to a continuing relationship.

Robert Robertson
Executive Director

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NATIONAL COUNCIL ON INDIAN OPPORTUNITY
OFFICE OF THE VICE PRESIDENT
WASHINGTON 20506

April 28, 1970

MEMORANDUM FOR

THE NATIONAL COUNCIL ON INDIAN OPPORTUNITY
OFFICE OF THE VICE PRESIDENT

SUBJECT: Project Outreach

Project Outreach was commenced on March 12, 1970 to assist the National Council on Indian Opportunity to fulfill its obligations of coordination, appraisal, and assessment of various federal programs affecting the Indian community.

It established a precedent when nine Indian consultants were selected to visit and survey tribal communities, programs and activities in assigned geographical areas, to report their findings to the Project Coordinator, and to participate in a discussion of the findings with the Indian Council members and administrators of the programs investigated in a special meeting held on April 29, 1970 in Gaithersburg, Maryland. The use of Indian consultants in the field proved to be more than satisfactory in terms of assessing variations of social-economic relationships between selected Indian communities and the outside society; obtaining meaningful readings on the concepts of self-determination and local participation - as seen by the Indian people themselves - and generally benefitting from shared experiences by the consultants and tribes interviewed. The results of this survey attest to the validity of utilizing Indian skills, knowledge and expertise in future determinations of federal projects or goals in Indian programming.

The report which follows covers forty-nine reservations and Indian groups, and is an attempt to synthesize the written reports received, and the discussion of findings which followed it.

Project personnel are as follows:

John Belindo - Project Coordinator
Myron Jones - New Mexico
Herschel Sahmaunt - Oklahoma
William Hallett - Minnesota, Wisconsin
John Baker - Utah, Wyoming, Colorado
George Harris - Montana, Idaho
William Cuny - South Dakota, North Dakota
Ernie Stevens - California, Nevada
David Lester - Arizona
Leo LeClaire - Washington, Oregon

In addition, each of the six Indian members of the Council was asked to supplement efforts of the consultants in his area by providing the Council with a factual report of the findings and conclusions of the members with respect to the experience of his own tribe and its administration of federal assistance programs.

The following broad questions were asked to provide a general approach for project personnel:

1. Which tribes are interested in administering federal programs or services? Under what time frame? What is their state of present readiness?

2. What is each tribe's priority of needs? Did the tribe devise the list, or was it prepared by an outside agency?

3. What are the Indian attitudes toward the tribal structure? What is the attitude of the Indians involved with the tribal council?

4. What is the experience of the tribe in administering such federal programs as those of BIA, EDA, OEO, Labor, HUD, Office of Education, Health/Welfare, and Agriculture?

5. What are the local political and economic obstructions which the tribe encounters in administration of their programs? What are the personality blockages, or their "hang-ups"?

6. What are the philosophical attitudes toward various federal, state and local governmental programs?

This memorandum report of the tribal responses as recorded by the consultants is intended to serve as a summary of the individual consultant reports and as a guide to further discussion. It is not intended as an exhaustive statement of the individual consultant reports, which have been filed with the National Council on Indian Opportunity. Because of the variations in style, detail, and approach of the report writers, more information is available from some areas than from others. This summary, then, attempts to present the range of views collected, first by subject matter, and second in terms of the relative effectiveness of the programs of various federal agencies as seen by the Indians served.

John Belindo
Project Coordinator

LIST OF INDIAN RESERVATIONS AND GROUPS CONTACTED BY PROJECT OUTREACH

1. Colorado River, Arizona
2. Hopi, Arizona
3. Gila River, Arizona
4. Papago, Arizona
6. Tule River, California
7. Hoopa, California
8. Pyramid Lake, Nevada
9. Walker River, Nevada
10. Stockbridge-Munsee, Wisconsin
11. Bad River, Wisconsin
12. Nettlake, Minnesota
13. Grand Portage, Minnesota
14. Greater Leech Lake, Minnesota
15. White Earth, Minnesota
16. Red Lake, Minnesota
17. Osage, Oklahoma
18. Pawnee, Oklahoma
19. Southern Ute, Colorado
20. Ute Mountain, Colorado
21. Uintah-Ouray, Utah
22. Crow, Montana
23. Northern Cheyenne, Montana
24. Fort Belknap, Montana
25. Fort Peck, Montana

26. Rocky Boys, Montana

27. Coeur d' Alene, Idaho

28. Nez Perce, Idaho

29. Flathead, Montana

30. Santo Domingo, New Mexico

31. Laguna, New Mexico

32. Zuni, New Mexico

33. All-Indian Pueblo Council, Albuquerque, New Mexico

34. Mescalero, New Mexico

35. Tulalip, Washington

36. Warm Springs, Oregon

37. Yakima, Washington

38. Muckleshoot, Washington

39. Turtle Mountain, North Dakota

40. Devils Lake, North Dakota

41. Standing Rock, North Dakota

42. Forth Berthold, North Dakota

43. Cheyenne River, South Dakota

44. Yankton, South Dakota

45. Lower Brule - Crow Creek, South Dakota

46. Pine Ridge, South Dakota

47. Spokane, Washington

48. Wind River, Wyoming

49. Jicarilla, New Mexico

II. SUMMARY OF FINDINGS

A. By Subject Matter

1. TERMINATION

It is perhaps useful to define termination, since historically it has represented varying degrees of federal withdrawal to tribes involved. In its most extreme form, termination includes removal of the tax-exempt federal trust status of tribal land, the distribution of tribal assets to individual members of the tribe on a per capita basis, and the cessation of all special federal services which are normally provided to American Indians.

The assumption on which the termination policy was based was that the Indian tribal organization would be dismantled, and individual Indians assimilated into the general population. It also relied on the erroneous assumption that federal services to Indians were beneficences of the Federal government, not contractual obligations in perpetuity arising from solemn treaties. If there is concensus on any single issue, it is most clearly reflected in the strongly held and nearly unanimous opposition to termination as a federal policy.

The strongest anti-termination view expressed came from the Flathead Reservation, calling for retroactive repeal of all termination legislation and its effects. The clear consensus of opinion, however, did not mention retroactivity, but did call for repeal of House Concurrent Resolution 108, of all termination legislation, or for guarantees against termination. This position was shared expressly by Santo Domingo and Laguna Pueblos, the All-Pueblo Council, the Zunis, the Stockbridge-Munsee and Chippewa tribes of Wisconsin and Minnesota, the Crow, Northern Cheyenne, Fort Belknap, Rocky Boys, Coeur d' Alene, Nez Perce, Pawnee tribe of Oklahoma, Colorado River, Gila River, Papago, Pyramid Lake, Spokane, Warm Springs, Yakima, Osage, and Mescalero Apache tribes. The older leaders of the Hopi tribe also expressed fear of termination, while the young seem to hold the view, also found at Salt River, of resignation to termination which they felt was inevitable, coupled with the desire to prepare the tribe for survival. The Salt River tribe is probably realistic in its appraisal, given the geographic location of the reservation practically contiguous to the fast growing, high-density city of Phoenix. At Salt River, the consultant found no apparent interest in legislation to wipe out termination

legislation. It is to be noted that neither the young Hopis nor the Salt River tribe approved of termination as a policy. It can only be said that they were resigned to accept it as inevitable. The only semblance of approval of any sort for termination policy came from the factionally-torn Fort Peck Reservation, where the observer believed that one faction supported what he called a "partial terminated approach". It is safe to say that nearly all Indians oppose any form of termination policy very strongly, or in the words of one report, that "no Indian official with direct responsibility to Indians wants to be a party to the termination of their tribe's trust relationship with the Federal government."

Moreover, fear of termination is a barrier to progress in Indian communities chiefly because it is feared that change in any direction which can be called progressive will be used by federal officials as an excuse to impose termination on the community.

Thus, the Pawnee people feel that tribal efforts directed toward participation in projects and efforts toward tribal autonomy are steps toward termination.

Bureau of Indian Affairs officials in various places have used this argument to discourage efforts toward tribal assumption of control over various BIA programs, and, at Pawnee, the argument was successfully used by Indian politicians. There, according to the observer,

> "A political group of younger tribal members formed to work for a change in the Business Council and because of their progressive ideas it became necessary that the incumbents utilize the termination scare to overcome the threat of being displaced in the election. Their approach was effective and resulted in the defeat of the younger group."

It must also be noted that even in those few communities discussed in this report where termination of federal support and recognition is regarded as inevitable, the underlying assumption that tribes will dissolve and individuals will be assimilated is rejected by the tribes, since in these communities, concentration is on preparing the tribe to survive as a tribe, in spite of withdrawn federal support. Thus, the observer at Hopi reports,

> "The more youthful seem to feel termination is inevitable and want the tribe to assume more control now so the tribe will be prepared for termination. However, all [the young and old Hopis] agree that some legislation is needed now to improve the environment for progress, development, and self-determination. Development, I want to stress, means livelihood for the people in order for them to continue being Hopi." (Emphasis added)

At Salt River, the tribe's goal is "to prepare their people for survival and competition." The writer adds this provocative comment:

> "From a national viewpoint, Salt River may prove fatal to contracting as a means to self-determination without termination if other tribes see Salt River as an example of the effects of assuming federal programs."

Indeed, many of the other tribes have expressly rejected contracting of services unless this approach is coupled with guarantees against termination. In one instance, Santo Domingo Pueblo requested provision for retrocession, whereby the tribe can give back the program to federal control should the tribe feel that contracting has not proved feasible.

At the Pine Ridge Reservation, problems abound in spite of, if not because of, the eighty-three different agencies or departments supposedly serving the reservation. Many of these agencies apparently are not aware of the existence of the others, and a need for coordination of efforts through tribal leadership is very apparent. However, because agency employees have fostered and perpetuated dependency, a general apathy, mistrust and feeling of powerlessness among Indians is found to exist. The people here have confused self-determination with termination, and cling to a dependent relationship with the agencies as a means of holding the federal government to its treaty obligations. The possibility of using tribal leadership to coordinate and improve services, without releasing the government from its obligations, is not seen at all by the people.

Thus, one may conclude that for most Indian communities, a legislative guarantee against termination is an advisable preface to broad scale development. This would minimize fear of termination as a barrier to meaningful change.

During the height of termination, those in Congress who were promoting the termination policy thought in terms of preparing even those "most ready" Indian tribes for dissolution in terms of ten or twenty or thirty years. How far this concept is from the thinking of the Indian people is best expressed in the words of President Chino speaking for his tribe: "We do want...the Mescalero Apache tribe [to] enjoy a strong, stable and prosperous future for the next many thousands of years as our people once had centuries ago for thousands of years."

2. SELF-DETERMINATION AND CONTRACTING FEDERAL PROGRAMS

The widespread pressure for greater self-determination in the Indian community, and for a greater voice in planning and carrying out the programs affecting the lives and destiny of such communities has created a broad interest in a variety of approaches to achieving Indian self-determination. This section intends to study the various tribal reactions to those approaches.

At the outset it should be noted that nearly every community approached carefully delineated between self-determination: (that is, voice in, or control of, the selection and operation of various governmentally-funded programs available to the reservation), and termination, as defined in the previous section. While Indian communities want, and in some instances, demand self-determination, they frequently will reject any approach to self-determination which does not provide safeguards against termination.

Suspicion that proposals wrapped in the cloak of self-determination are really approaches to termination in disguise causes many tribes to shy away from all such proposals. Clear examples are the reported reactions of the Spokane and Yakima tribes of Washington, and Pawnee in Oklahoma.

While most tribes believe in the concept of Indian self-determination, there is a vast range of difference, in terms of approach, experience levels, and desire to assume control of federal programs.

Similar characteristics running through such proposals are pointed out by Mr. Chino:

> "1. Local control of, active representation in, or strong influence over the development planning and implementation process.

"2. A multi-faceted, comprehensive and balanced approach to development where the broad front of human needs are addressed (i.e., employment, tribal income, political structure, housing, education, community facilities, etc.) at the same time.

"3. All groups are led, in varying degrees again, by strong, popular and progressive tribal governments and all groups are anxious to develop -- realizing that in development there is risk as well as change.

"4. Visible progress has been made which has fed enthusiasm; betterment has been felt to be achieved which has given confidence; and mistakes have been made, handled, and used to provide knowledge to prevent repeating errors."

One of the approaches to achieving self-determination is giving the tribe control over the BIA agency office serving that reservation. The Zuni Pueblo will become the first tribe to accept such responsibility on July 1, 1970.

That program is described, as follows:

"The Zuni Tribal Council will be responsible for setting policy and giving direction at their local level. They will, however, not have the power to hire and fire, and they will not be able to control policy which comes through the Washington or Albuquerque Area Offices.

"Since this program has not been tried before, its strengths and weaknesses will have strong implications for other tribes. There seem to be two clear drawbacks before the program even begins:

1. The authority given the tribe is not equal to the responsibility.

2. Because it is planned in a great hurry, local BIA personnel are heavily involved in planning the structure of their supervision."

The Zunis have indicated that they will insist on special conditions before taking on any new programs; including: (1) a guarantee against termination; (2) a guarantee against decrease in the budget level; (3) operating on the tribe's time-table with time allotted to gain widespread community support; (4) that the right of retrocession is assured without loss of funds, services, or other entitlements; and (5) an assurance of administrative support for the program.

At Mescalero, the tribe is discussing a plan similar to the Zuni plan, involving total supervision of the BIA Mescalero agency program to be operative in the near future. The tribe is considering combining this approach with other less formal approaches, to maintain maximum flexibility. They have rejected the contract approach as not valid for their particular situation, although acknowledging its usefulness for other tribes.

The Crow tribe is another that is interested in total administrative control of its programs. As pre-conditions, however, the tribe wants legislation repealing termination, plus some management and administrative training as tribal control progresses. They also want assurance of federal legal assistance independent of the Interior Department.

The reverse of the situation that most tribes are seeking exists at Yakima, where tribal funds are used to partially support the BIA Yakima agency, particularly BIA special programs desired by the tribe. While there apparently is tribal participation and cooperation in the planning of programs, ultimate authority and responsibility is held by the BIA. As with many of the Northwest tribes, however, the Yakimas see proposed "self determination" proposals as masked avenues to termination, and indicate they will discuss such proposals only when termination has been cleared from the books legislatively.

Still another approach toward increased tribal self-determination, particularly in the area of economic development, is the state-chartered tribal development corporation. This approach is being tried at Fort Belknap, where the tribe complains that the BIA area office has "thrown every stumbling block possible" in their way. The tribe has the concept that the development corporation will gradually expand its authority and responsibilities, and eventually expand into all areas of tribal

administration. Called a "grow-as-you-go" plan, this approach is possible only with supportive technical assistance from concerned agencies, and they call quite specifically for the removal of those agency personnel who are seen as obstructionists.

The most complete assumption of control using the contracting technique is at the Salt River (Pima-Maricopa) Reservation in Arizona, where the tribe has contracted for law and order, land management, custodial services, and education coordinators. Since land is the principal asset of the tribe, tribal assumption of land management is a large step towards self-determination. At present the tribe is operating without an agency superintendent. Even so, they see their tribal existence threatened by the rapidly expanding non-Indian population of neighboring Phoenix. Thus, even with tribal programs under its control, the tribe finds that many people other than the Pima-Maricopa tribes have a great deal to say about what happens to the Indian people. While the situation at Salt River presents a good look at tribal control of programs by means of contract, it should always be evaluated in terms of the relatively unique circumstances of geographic location contiguous to a large non-Indian population center.

Many tribes expressed interest in operating all or some of their programs by contract, but only if certain conditions were made as a pre-condition to the tribe assuming responsibility. Such conditions almost always include a guarantee against termination, and a guarantee that the funding level of the program would not be reduced. It should be noted, however, that some tribes desire to undertake such contracts, but insist the conditions be met as safeguards, while others are saying that they might be interested in contracting (or might be willing to attempt contracting) where they have assurance that the conditions are met.

In addition to the two conditions mentioned above, the following were repeatedly mentioned: tribal control of the timing of assumption of authority, to ensure against being pushed or rushed into projects without full community support; tribal authority to determine what services would be contracted, when, and under what conditions; guarantee against assumption of responsibility by tribes without commensurate authority to control (hire and fire) personnel; and management, administrative, leadership training or other forms of supportive assistance from government agencies.

Each tribe may vary slightly in its list of pre-conditions to assuming responsibility for programs by contract,

although all such conditions are covered by the list just presented. Given assurance that its list of conditions has been met, the Santo Domingo Pueblo, Papago tribe and Walker River Reservation of Nevada have indicated the desire to contract all of their program services. The Papagos have previously contracted their law and order, custodial, and education programs, and desire to have immediate control of livestock and range management. At root of their desire for control is a long-standing difference with BIA personnel over range management practices and the question of over-grazing. It will be interesting to see whether the BIA is willing to relinquish control where it is convinced that tribal concepts of range management are in error. The Papagos, of course, have fully discussed the same questions with economists of their own choosing, and believe that the BIA is in error. The test of the policy of self-determination, then, will be whether the Indians will be given the authority to set range management standards, which are at the heart of the Papago economy. Basic to the principle of self-determination is the right to attempt what government agencies believe to be mistaken courses of action, in an atmosphere free from ridicule.

A problem which faces all tribes lacking substantial resources, and particularly those which are served by a BIA agency, which also serves other tribes as in Nevada, Wisconsin and Minnesota, is whether there will be enough money to go around if the tribe undertakes to manage its own programs by contract. While most tribes in this position (Pyramid Lake is an example) have opted against attempting to contract for its programs, Walker River is an exception. Despite their small share of the agency budget, tribal members seem to feel that contracting might be the only way they can accomplish their goals. "We know what we need and the time comes when that's the only way", said one.

The problem of inadequate administrative funds to hire staff, and to provide for technical assistance, or even to operate the tribal government with qualified personnel, is widespread, especially among small tribes or bands, but particularly acute in the areas of Minnesota, Wisconsin and North and South Dakota.

The consultant for the Dakotas noted that:

> "The reservations which have experienced continuity in government, or at least had the same administration for more than one term, tend to be stable. With stability of government, better management practice can be established and therefore program administration becomes more sophisticated."

But, where there are low funds or no funds available for tribal administration, or for officials' salaries, turnover occurs more frequently. The Turtle Mountain Reservation in North Dakota is an example. At Turtle Mountain, at Devil's Lake (Fort Totten), and at Fort Berthold, tribal council members serve without pay, and since they must earn their livelihood elsewhere, are not able to give enough time to tribal affairs. The result is inadequate leadership.

Many tribes have reported the need for leadership training. The consultant suggests that leadership training (involving tribal officials, personnel of BIA, PHS and other agencies, and possibly officials of other tribes) be furnished to the Devil's Lake tribal council. Such a program would probably succeed, however, only if coupled with some funding support to overcome the problem of funds for administration.

At Pine Ridge Sioux Reservation, some pay is available for tribal council members, but at a low salary level, generally unattractive to those with leadership capabilities. The result is frequent turnover which makes continuity of good program planning and follow-through virtually impossible.

Tribes with such basic administration problems are rarely interested in increasing their area of responsibility for programs, whether through contracting or otherwise, unless the contract or other arrangement includes funds to meet overall administrative needs. In particular areas, however, dissatisfaction with existing agency control is strong enough that the tribes assert the desire to assume at least greater voice in, if not total control over, particular programs.

Laguna Pueblo expressed some interest for contracting all programs, if its conditions were met. Other tribes have expressed interest in contracting some, but not all of their programs, and many tribes are in this position already. Northern Cheyenne, Coeur d' Alene, and Standing Rock are examples of those reservations desiring more contracting authority in some areas, while Gila River, and Warm Springs Reservations both have tribal programs under their control by contract, and are reluctant to assume more authority. At Hopi, the tribe desires to run its educational program under contract. For those tribes wanting partial responsibility, education is almost always the first area mentioned. The Colorado River tribes want contract control over three areas: education, utilities (electric power), and land management. Here, interestingly, the motive is not self-determination. The tribes would be content to allow the Bureau to hold responsibility, if Bureau handling were believed to be successful. They desire to assume management simply because they think they can do a better job in these areas.

Additionally, there were a variety of reasons given by those tribes who had no interest in contracting services. An excellent discussion of these reasons appears in the report from Minnesota and Wisconsin, where interest was lacking except at Leech Lake, where a fairly extensive contract is operating, with some difficulty. Those reasons are as follows:

1. In some situations, the structure of the Federal agency or the nature of the service provided is such that it would prohibit sufficient workable allocations at the local level, particularly when one man or agency office services a number of Indian reservations. It would mean all tribes served by that agency must either divide the allocation of that agency or service by the number of tribes or Indians served or to contract the entire agency or service on an inter-tribal basis.

2. As I have indicated earlier, the fear of termination is inherent in any action undertaken or proposed by the Federal government. There is an underlying feeling among some of the Indian people that the Administration still believes and supports the attitude of termination and assimilation as the answer to the "Indian Problem" and that the issuance of Federal contracts is a means to achieve that goal.

3. The lack of existing managerial resources available to the various tribes is also a reason in opposition to large scale contractual arrangements. The feeling expressed is that Federal officials and the Administration would be very satisfied to see failures occur at the local level to support the position that "Indians carnot manage their own affairs" and once a failure occurs terminate the service or appropriations for such services. The fear of failure is a very real threat to one that does not have the experience or that has not had the opportunity to manage large sums of money. In Wisconsin for example, only two of ten reservations have sufficient tribal operation budgets to afford a salary for tribal officers. In most situations tribal officials are reimbursed

for expenses incurred for special meetings at rates not to exceed $10 - $20 per day.

4. The competition for budget appropriations each year is another reason for opposition. The feeling is that services provided under contract would lose out to appropriations provided by the agency if cutbacks are necessary, or if there is a NEW direction of agency policy. The rechanneling of existing programs and reallocation of existing monies is not the answer to progress in the Indian communities. If new programs or agencies are to be created, new appropriations should accompany these programs.

Other tribes in the position of rejecting the contract approach, at least at this time, are Jicarilla and Spokane. The Southern Ute and Ute Mountain tribes of Colorado, and the Uintah-Ouray tribe of Utah apparently are satisfied with the existing BIA operation of their programs, and express no interest in a change of control. Pyramid Lake and Tule River both reject the contracting approach on the grounds that funding would be inadequate.

The clear conclusion that can be drawn from an analysis of the above date is that each tribe is in a relatively unique circumstance, that no single approach will be a panacea to all ills, nor universally desirable, that tribes are in widely varying positions with respect to their development and attitudes, and that approaches to development should be handled on a case-by-case basis. Another conclusion to be drawn is that the tribe, not the government, should decide when, by what means, and to what degree, the tribe should assume control of its reservation programs. And, again, with few exceptions, the tribes all call for non-paternalistic supportive assistance from federal agencies. There are several examples where the tribe sees itself as ready to undertake control of programs, while the BIA agency is saying that the tribe is "not ready". Clearly, the prime test of "readiness" should be willingness to assume responsibility.

Certainly, the area where most tribes desire control is in the education of their children. A discussion of the findings in that area follows.

3. EDUCATION

Two consistent themes run through the commentary collected on Indian education. The first is that, with almost no exceptions, Indian education programs, whether run by BIA or by state public school systems, are seriously deficient in terms of the education of the Indian students they serve. The second is that greater Indian control of the schools serving Indians is designed to make these schools relevant to the needs of Indian children.

The personnel failures pointed out range from open discrimination against Indian students, and insensitivity, to inadequate training resulting in inability to teach English as a second language, noted at Sandoval County, New Mexico, and at Jicarilla, or inability to understand the cultural heritage of the students.

At the Standing Rock Reservation in North Dakota, where the BIA operated schools reflect a dropout rate from elementary school through high school of 60%, the classrooms are overcrowed and the teachers (hired by a personnel officer in Albuquerque, New Mexico), are "poorly prepared to instruct Indian children." Another Reservation dissatisfied with the quality of its teaching personnel and with a high dropout rate - 50% - (the national average is around 24%), is the Cheyenne River Reservation, where the school system is a cooperative venture between the Bureau of Indian Affairs and the local school board. Some teachers are hired who do not have a civil service rating, causing dissension among the teaching staff. It is felt that "a better quality instructional staff could be achieved if there was local control over all hiring." Mediocre personnel are also blamed for the 75% dropout rate at Pine Ridge Reservation, South Dakota, where public, BIA and mission schools are all available. Local educational personnel are found to have condescending or romanticized notions about Indians, while sending their own children to school in Rushville, Nebraska, 25 miles away, to avoid association with Indian children. The mediocre teaching staff is believed to result from BIA hiring practices. Interestingly, the schools serving the Pine Ridge Reservation are receiving funds from Titles I, III and VIII of ESEA, from Johnson-O'Malley, from PL 874, etc., resulting in a higher per capita expenditure here than on other reservations, but with worse results. Again, local control of hiring teaching staffs is advocated.

The Pawnees report a critical shortage of special educational services, including guidance counselling and adult basic education, with a need for school psychologists, school social workers and attendance officers.

In some locations, New Mexico and Fort Belknap, Montana, for example, equipment, supplies and facilities are found to be insufficient, while library and study facilities for secondary students are lacking at the Pueblos. For the Devil's Lake Sioux tribe, there is inadequate bus transportation provided for high school students living in remote areas of the reservation.

Almost everywhere, curriculum is found to be not relevant, resulting in appalling drop-out rates. Thus, no Jicarilla had graduated from college until 1965, while among the more than 14 thousand Pueblo Indians, there are presently 215 college students. 14 Pueblo students received degrees in 1969, and 28 more are expected to graduate in 1970. At the BIA-operated Albuquerque Indian school serving Navajos, Pueblos and Apaches, the last graduate of the school who went on to complete college left the Albuquerque Indian school in 1957! At the Tule River Reservation, second largest in California, the Indian student drop-out rate from the off-reservation public high school in a community hostile to Indians was reported at 97%. The recently granted eligibility for California Indians to attend the BIA-operated Indian high school at Riverside, California, has significantly decreased the high school drop-out rate, and brought to the Tule River Reservation an awareness of a broader Indian community and availability of programs previously lacking.

Poor secondary preparation has left college scholarship funds available and unused for want of students at Laguna Pueblo and at Jicarilla. But these are the exceptions. Of the Tule River students entering college this year, all but one was forced to drop out for financial and other reasons, while among the Pueblo Indians generally, the available college scholarship funds will be inadequate to meet the needs of those already in college plus the additional 135 students expected to enroll in September, 1970. In Montana, the state university has a college fee waiver program for Indian students - an approach which might be feasible in other states.

At the elementary and secondary level, Johnson-O'Malley funds specifically designed for the special educational needs of Indian students are not used for this purpose in Oklahoma, New Mexico, Montana, Washington, North Dakota or Nevada. Previous similar complaints had been heard from Indians in Arizona, Nebraska, Wisconsin and elsewhere. California and Oregon receive no Johnson-O'Malley funds, despite sizeable Indian populations. It is suggested that stricter Interior Department regulations requiring BIA-negotiated Johnson-O'Malley contracts with states to ensure appropriate use of such funds for special needs of Indian students, with federal follow-up investigation, and fund cut-off the penalty for mis-use, could

quickly correct the situation without requiring additional legislation.

The pressure, universally seen, for greater Indian control of schools to correct the deficiencies noted above, takes a variety of forms; in Sandoval County, New Mexico, the five Pueblos there have filed a class action against state and local Boards of Education, and the BIA and federal authorities, seeking redress for discrimination against Indian students, inadequate supplies, and insensitive and inadequate personnel.

Tribal control is sought for the operation of the entire reservation school districts at Hopi, Papago and Rocky Boy Reservations, and is being discussed at Turtle Mountain. At Papago the immediate aim of the tribe is curriculum enrichment. At Rocky Boys, where the operation has begun, the tribe anticipates the need for technical support in the areas of educational development and operation. The need for federal supportive technical assistance is frequently recognized, and seen as the role which the BIA and other agencies should be playing, but seldom do.

The use of the technique of contracting services to achieve Indian self-determination is being more widely used or suggested in the educational area than elsewhere. At Colorado River, the tribe is pressing for control of the BIA-operated counseling and scholarship program, which currently reflects a heavy drop-out rate of those who enter college. The All-Indian Pueblo Council has had some visible improvements after taking over the same program from the BIA. For example, the scholarship staff now provides counseling for tenth, eleventh, and twelfth graders, whereas, under BIA control, only twelfth graders were counseled.

At Mescalero, the technique of contracting with the tribe, rather than with the state or school district, for educational services and special educational programs has been tried and is viewed as a successful means of achieving Indian control to make the schools more relevant to Indian needs. The tribe is pressing for expansion of its authority in this area.

Yet another means of attaining increased Indian voice in the control of schools is by school board representation. At Northern Cheyenne the tribe is attempting to create an Indian school board which will have supervisory control over the BIA school superintendent, and will assume control through contractual relationship over administrative and teaching staff. It should be

noted that representation on the school board, particularly less than majority representation, is not necessarily effective. At Dulce, New Mexico, where the public school population is about 85% Jicarilla, the addition of two Jicarillas to the school board has made little apparent difference. On the other hand, tangible results have been achieved by Indians who have served on school boards at Cheyenne River, South Dakota. One test is the degree to which an Indian participating on a school board actually can become involved in the decision-making process of that Board.

Among urban Indians in Billings, Montana the push for improvement of educational quality and increased Indian voice in policy-making extends to the desire for representation on State and national education committees.

In another proposed Indian-control experiment to increase educational relevance, the All-Pueblo Council has requested funds from HEW for an All-Pueblo school at Roswell, New Mexico, to be run by the AIPC. It would serve Pueblo students aged 12-17, who have dropped out or who have been ejected from other school programs, serving as a delinquency prevention program, as well as a demonstration project for Indian secondary education.

In still another proposal, the Hoopa Tribe of California has proposed that Sherman Institute be turned into an Indian-directed college prep school or Community College. There is widespread feeling for the desirability of a four-year Indian liberal arts college.

Thus, the pressures are clear for more, better quality, more relevant education, in the college preparatory and advanced educational areas.

4. HEALTH CARE

In the area of health care, a pattern of widespread dissatisfaction with Public Health Service programs emerges from the tribal reports. Complaints of inadequate services, under-funding, hostile or incompetent personnel, inaccessible facilities and slow delivery of care are among those heard.

An exception is the Walker River Reservation which gives its Public Health Service hospital a positive endorsement, pointing out that locating this facility at the Walker River Reservation places it centrally in Nevada, and provides important employment slots within the tribal community.

One problem created by Public Health Service medical care

is that the physicians and other medical staff are not permanent in the community and hence are not required to develop rapport with their patients. Thus, Laguna Pueblo complains that since the PHS took over health services, it is difficult to retain good doctors. The best ones are promoted and transferred. They also complain of excessive "red tape." Fort Belknap makes the comment that PHS staff are just "serving out their time until transfers can be obtained." At Turtle Mountain, it is felt that the two-year tenure for PHS commissioned officers (including all doctors) is not long enough to maintain quality medical services, and it is suggested that at least two doctors - one surgeon and one general practitioner - be permanently stationed at the reservation. A similar request was made at Devil's Lake. Turtle Mountain also needs more field nurses and a full-time permanent dentist, and more money for development of water and sanitation facilities, an area in which health is threatened because rural families are forced to drink stagnant water from ponds and lakes because of inadequate water supplies.

The attitude of officials in the Bureau of Indian Affairs area office in Billings, Montana, with respect to operation of Public Health Service facilities, presents a fascinating contrast with the attitudes of tribes under its jurisdiction and an interesting illustration of paternalism as well.

The Billings Area Office suggested that tribes should not "interfere" with the service offered through the Public Health Service because of the highly-skilled abilities needed to administer the health program.

Meanwhile a survey of the Montana tribes reveals the following: at the Rocky Boy Reservation, the PHS came under strong criticism in the method of operation at that reservation. The field consultant reports, "any change toward betterment of both medical and dental service would be viewed with favor." At Flathead the tribe called for a revamped and restructured PHS with some personnel control residing in the tribe. The facilities are thought inadequate, and the suggestion made of incorporating improved service through the University of Montana health service, for the benefit of the Indian student on campus. At Fort Peck, taking second priority only to improved education is a renovation of PHS medical and dental services. At the Crow Reservation, the tribe desires hiring and firing authority over Public Health Service personnel, "to bring in concerned, competent people who are themselves stable." And at Fort Belknap the tribe has a very poor feeling toward the PHS staff and desires federal support for the efforts of their tribal development corporation to provide

newer and better hospital facilities and more qualified services.

Pyramid Lake is another tribe dissatisfied with PHS medical care, pointing out that after diagnosis of about 40 cases of trachoma by PHS personnel, medicine for treatment was not delivered until six months later. The tribe points out that the budget is inadequate to provide decent service.

Given inadequate service, many tribal communities are working on ways to improve their health care. At Zuni Pueblo the five-year development plan allocates more than three million dollars for construction of a new hospital including an out-patient clinic and provides for increased supporting staff.

Quarreling with the concept of the Billings office that Indians cannot run such programs, the Tule River Reservation health program is run by the tribe, funded through the state and federal governments, and at Northern Cheyenne, another Montana tribe unhappy with the PHS facilities at the Crow Agency, which presently serves them, is seeking to establish medical service on the Northern Cheyenne Reservation to serve members of that tribe and Indians in the surrounding community. The tribe has attached high priority to obtaining support in the form of expertise and money to establish an out-patient clinic if not a hospital, and takes a "package approach" to health needs including supportive service relative to Mental Health Training and Alcoholism programs. The consultant endorses the request for agency support as "greatly needed."

At the Coeur d' Alene Reservation in Idaho, which presently receives minimal PHS service, the tribe calls for agency support in the establishment of a PHS out-patient clinic in conjunction with an effort to improve medical and dental services and build up services in the area of treatment of mental and alcohol disorders for the total community.

The Muckleshoot Tribe also calls present PHS funding inadequate, pointing out that its children are not receiving proper dental care. This tribe, along with the Gila River Tribe, Yakimas, and Mescalero Apaches have the Community Health Representatives program under tribal control. At Mescalero, tribal plans for expansion of medical care include a Senior Citizens Center with intensive and temporary care units to be operated in conjunction with the new PHS hospital on the reservation.

The Standing Rock tribe also expressed a desire for an equal voice in policy-making with respect to its health program. There, the tribe suggests elimination of the Area offices of the PHS, with increased authority at the reservation level, giving the tribe an opportunity for more effective cooperation and coordination. Increased health appropriations are also needed, including two permanent doctor positions and three field nurse positions. The Community Health Representative program is endorsed, and a call made for the placing of a CHR in each community.

The health picture at Fort Berthold is bleak indeed:

> "There is no hospital on the reservation. Public Health Service provides a doctor and field nurse care. There is a clinic at New Town, the Fort Berthold Agency. Field clinics are operated in outlying communities throughout the reservation one day a week during the warm months. During the winter these are closed because PHS budget does not provide for heat. There is no choice of hospitals or doctors provided through contract services. Older people [are] reluctant to leave the reservation for hospitalization. Some hospitals admit patients who are not really sick and deny admission to some who are seriously ill. Those who are employed are denied medical services and must pay for their own. Marginal ranch operators feel especially penalized."

One possible remedy suggested by those interviewed is a universal medical insurance program which would allow Indians to use the doctor and hospital of their choice. This, of course, would not solve problems for those unable to find any available and accessible adequate medical care. An alternative suggestion, probably sounder, is the construction of a new hospital facility in a central location on the reservation, permanently and adequately staffed by doctors and nurses, and available for all enrolled members of the tribe without regard to their employment status.

Hospital facilities are too small for the number of people they are supposed to serve at the Cheyenne River Reservation. More than 200 people throughout the reservation area are in need of daily medical care. A Nursing Home facility is needed. Again, the constant turnover of PHS doctors is a source of frustration and distress.

At the Pine Ridge Reservation, where widespread alcoholism is a serious health problem inextricable from the employment situation - the unemployment rate is 80% - the quality of health service has improved steadily in the past few years, particularly since the arrival of the new Service Unit Director. Recommendations of the tribal Health Committee are being honored and there is complete cooperation between local PHS officials and the tribe and other agencies. Problems, however, are found in underfunding and in arbitrary decisions of officials at the Area Office level, who make such decisions without consultation with tribal officials and local hospital personnel.

Additional facilities needed include an expansion of the hospital to create an operating room and facilities, as well as more bed space; increased staff, including three registered nurses and a maintenance man; and funds for more prosthetic appliances. Ambulance service is needed for the entire reservation, and a full-time clinic is needed at Kyle, which is centrally located on the reservation. More dental units are needed, as is a Nursing Home for the elderly. Additionally, special programs in health education (teaching the importance of nutrition, hygiene, immunization and good health practices); treatment of alcoholism; treatment of mental illness; an extended supplemental food program; development of better water and sewer facilities; and a home improvement program are needed. With the numerous agencies serving this reservation, the ultimate solution of health problems, as well as many others, will lie in a centralized and improved coordination of their efforts, under increased tribal control.

5. HOUSING

One of the areas which tribes generally place very high on their priority list is the critical need to provide adequate housing for their people. The reports confirm that the need is very great, and practically universal, and that existing agency programs are not flexible enough to meet these needs.

One problem area which has previously come to the attention of NCIO is the faulty coordination of housing improvement efforts by various federal agencies with areas of responsibility, including the Department of Housing and Urban Development, Bureau of Indian Affairs, Public Health Service, and Federal Housing Administration.

While coordination has undoubtedly improved somewhat since the problem was brought into focus, the report from Pyramid Lake gives indication that all is not well. There, the tribes see the present BIA-HUD working agreement as slowing down construction because the BIA is an unnecessary and particularly slow middle-man between HUD and the tribal housing program. The BIA has disapproved programs even after they have received FHA approval. The Turtle Mountain Chippewa also point to poor coordination of programs as a problem.

A second widely-recognized problem requiring Council attention with respect to the HUD housing program is the inflexibility or inapplicability of the program to reservation needs. Mr. Chino summarizes the problem thusly:

> "We believe that HUD has a great deal of interest in helping Indian people, but their programs could be much more effective. The agency is urban and program oriented to such an extent that they don't seem to be able to adapt to reservation needs and often can't comprehend what the problems really are."

Frequent examples exist of tribes who have finally overcome the coordination problems of the various agencies, and had construction authorized on a limited number of desperately-needed homes only to see the houses constructed in quadrangle-shaped areas in the most barren part of the reservation, chosen solely for its convenience to the agency, with identical box-like houses meeting agency specifications as to choice of construction materials, but not necessarily local weather conditions. Usually, no consideration has been given to the cultural patterns of the people who must, out of desperation, live in these houses, so that the architectural design, arrangement and clustered location of such projects is not only non-Indian, but decidedly anti-Indian. One such project, known by the unhappy people who have moved into it as "the stockade", is located on the Bad River Chippewa Reservation in Wisconsin. The "economies" which the agency feels dictate its selection and location of housing are short-sighted at best. At "the stockade" because no agency (BIA--PHS--HUD), had funds available for paint, these wooden frame houses located in a moist, swampy area, went unpainted until the National Indian Youth Council arranged to paint them.

While the Bad River "stockade" embodies nearly all the complaints about inflexible housing regulations in a single example, other particular cases of complaint about inflexible guidelines are available:

At Fort Berthold and Fort Totten, there are complaints about agency insistence on "cluster" housing.

Agency restrictions preventing housing construction on individual land allotments restrict programs from meeting tribal needs at Spokane, Devil's Lake and Fort Berthold.

Lack of variety in housing and lack of Indian orientation in the houses available are complaints of the Flathead, Standing Rock and Pine Ridge Reservations.

Another example of inflexibility is the insistence on standards set by regulations which make sense in an urban or suburban environment, but are obviously not designed to meet the special situations of particular Indian reservations. Insistence that housing improvement plans meet these requirements before they are approved creates an "all or nothing at all" situation which ought not to exist.

Thus, insisting that water be available for a house before construction is authorized may make sense in general, but at the Cheyenne River Sioux Reservation, the average well depth is 4,000 feet, and the cost of digging such a well is prohibitive, particularly in isolated areas where the burden cannot be shared, so that people who are unable to meet the cost of well-digging are precluded by regulation from any improvement in their housing condition. A similar problem is found at Pine Ridge. Other similar restrictions are square footage requirements, heating requirements, etc. A good summary of the problem is presented in the report from Pine Ridge:

> "There is a need at Pine Ridge for more types of housing than are now available through federal agencies responsible for housing. The guidelines call for water and sewer development, gas and oil burning furnaces, and specific square footage. Some people only want a good shell with a good floor, walls, windows and doors, that they can finish themselves to replace very inadequate housing. They want smaller houses that can be heated with woodburning stoves. Many cannot afford electricity and are perfectly satisfied with the old traditional means of lighting and heating. A choice could be available to meet the needs and wishes of all people. The design should conform with the likes of the people who will be using them."

Because of arbitrary income restrictions which do not take into consideration the special situations involved, self-employed marginal cattle operators are not eligible for housing at Cheyenne River, and there is no housing available for middle income families.

As in other areas of need, frustration with the inflexibility, insensitivity and inapplicability of Federal programming is increasing the desire of the tribes for involvement in the policy-making process with respect to housing programs. Such involvement is specifically suggested at Fort Berthold.

The Mescalero Tribe, which needs 123 new homes in the next 3 years, is working on a solution in terms of a new housing program "which is applicable to the Mescalero Reservation and which solves serious problems posed by all existing programs." The tribe plans to establish a tribal Housing and Community Facility department, which would administer housing programs, develop new housing programs, manage home improvement and code enforcement programs, and manage home and utilities maintenance programs.

Perhaps some help lies in the Muckleshoot tribal housing program which anticipates a demonstration grant for a tribal housing project. There, the tribe administers a Housing Specialist Program, run by a tribal member who is receiving training from a Seattle agency.

In the meantime, the needs are acute. At Santo Domingo Pueblo, new housing and home projects are sorely needed. A BIA home improvement program which repaired five houses died out two or three years ago. Improved plumbing and a complete sewer system are needed. The PHS program meets only a small part of these needs. Meanwhile, the local gas company, a protected public utility, refuses to bring in <u>any</u> gas service unless it obtains what it deems a sufficient number of users, requiring Santo Domingo Indians to use other fuels at twice the cost.

At Laguna Pueblo, 500 units of Mutual Self-Help Housing have been requested through HUD. Of these, 200 are needed <u>immediately</u>. The application was made to the HUD regional office in San Francisco in November, 1969, but the tribe has had no word of approval, disapproval, promise or commitment since then. Another tribal program having broad implications for other tribes is a special project to enable people who have built their own homes with local materials to complete the roofing, plumbing and other special needs with HUD materials. This project is also pending agency approval.

At Zuni Pueblo, the five-year plan calls for construction of 565 low-income dwellings, and the installation of the required plumbing, sewer and water lines and repairs on another 104 houses. Additionally, 200 high-income rental units, and a 50-unit trailer court are part of the plan.

At Osage, the housing is classified as "fair", and the tribe desires to develop a housing project. At present, however, only limited assistance is available for housing construction costs, unless one is in the limited category of those available for benefit from tribal assets.

At Southern Ute, a housing program is in process, with 25 low-rent housing units under construction.

At Fort Belknap and Fort Berthold the tribes call for aid from Federal funding sources to support plans to meet the need for expanded housing and sanitation. At Fort Belknap, the tribe is undertaking the project through its tribal development corporation to develop Pola--Home Prefabricated Construction housing.

At Coeur d' Alene the tribe complains that progress in meeting its housing needs is too slow, and it wants more BIA support on its housing program.

At Gila River, a tribal housing authority has been formed to meet the high priority need. Here, better housing could be obtained, the tribe feels, through the availability of conventional financing with 35 to 40 year terms. Such financing is not currently available.

At Spokane, housing also ranks very high among tribal priorities, and the tribe desires to administer its own housing program. 90% of the money loaned out of the tribe's $400,000 loan program to tribal members is for home building. HUD programs there to date have been inadequate to meet tribal needs. The tribe is recommending a multi-type Federal housing program to meet its needs.

One function of this Council is to bring to the attention of concerned participating agencies the special situations relative to federal programs serving Indians which prevent such programs from achieving their desired effect, and to pursue with the agencies in question modifications of those programs to render them more effective.

Federal agencies are established to serve certain needs of people. Too often agencies establish rules, regulations and guidelines to carry out their programs which, while good as generalizations, hamper the agency from fulfilling its purpose in particular cases. Such rules and regulations in the hands of bureaucrats tend to take on an independent significance of their own, and receive protection from agency personnel as though the rules and regulations were in themselves important. Often this is an excuse for inaction by an agency. But, there is nothing inviolable about a federal guideline. When guidelines hamper agencies from providing programs to meet the special needs of people they are supposed to serve, the guidelines, not the people, need to change. The above data clearly points out this need in the area of Indian housing.

6. LAW AND ORDER PROGRAMS

The extent to which Indian tribes can maintain their sovereignty and self-determination is, of course, dependent upon the extent to which tribal control is exercised over such operations as the judicial system and law enforcement.

Under the current situation, the degree of tribal control varies from the situation in Oklahoma, where there are no Indian law and order programs, and individual Indians are subject to all state, county and local laws, to the situation existing at the Pueblos and on the Navajo Reservation, where tribal courts are in operation, and law enforcement is handled entirely by the tribe or by Federal officials. Between these two situations are the many variations of concurrent jurisdiction with state governments, arising primarily out of the adoption of P.L. 280, of which the situations at Yakima and Salt River are perhaps typical.

It is safe to say that almost no reservation operating under shared P.L. 280 jurisdiction is happy with it and several tribes are specifically calling for its repeal. Repeal of termination legislation and policy will increase the desire of tribes for exclusive jurisdiction over their reservations. At Pine Ridge, South Dakota, an attempt by the State legislature to bring the reservation under concurrent jurisdiction status under P.L. 280 was rejected by the voters of South Dakota in a referendum.

One of the reservations calling for the repeal of Public Law 280 is the Yakima Reservation in the State of Washington, where the state now has exclusive jurisdiction over both Indians and

non-Indians on all fee lands within the reservation, and over Indians on trust lands in eight (8) law enforcement areas including compulsory school attendance, public assistance, domestic relations, mental illness, juvenile delinquency, adoption proceedings, dependent children, and operation of motor vehicles on public streets.

The tribe controls the few other areas which remain, and has an operating jail facility, tribal court, and tribal police headquarters, all of which are maintained with tribal funds. The BIA provides four (4) law and order positions to handle violations of Federal law on the reservation.

The state has not provided adequate service, and the tribe desires the return of law and order jurisdiction to the tribe. The complaint of inadequate state service and funding is widespread where the states have assumed jurisdiction. Most tribes support the "Burdick amendments" to amend the Crime Control and Safe Streets Act of 1968 and Juvenile Delinquency Prevention Act of 1968, so that Federal law enforcement funds will go direct to the tribes, rather than through state governments. Few, if any, of the funds sent to states on behalf of Indian reservations have resulted in increased law and order service at the reservation. Additionally, tribes complain about discriminatory law enforcement and insensitive police officers where enforcement is by the state.

At Salt River, the tribe has its own law and order program under contract, which has permitted the provision of one dispatcher and one patrolman per shift to control the tribal population of about 2,200, perhaps a sufficient number to maintain law and order if the tribe were isolated. However, frequently the number of visitors and other non-Indians on reservation exceeds the number of Indians, placing an extreme burden on the police force.

This is compounded by the fact that tribal police are not cross-deputized with the county sheriff, who has concurrent jurisdiction on the reservation. Thus, tribal police have no authority over non-Indians, creating situations where Indians are left defenseless in the face of non-Indian intrusion. This injustice is magnified by the fact that the county sheriff and his force have full authority to arrest Indians, on or off the reservation. The Flathead Reservation is another concurrent jurisdiction area where state assumption of jurisdiction has created a major problem. The Spokane Reservation, which operates

its own law and order program and has a three-judge tribal court system, is another calling for the repeal of P.L. 280.

Many tribes are desirous of expanding their law and order programs to meet growing problems. In this category are the Hopi, who desire to expand their law and order program to include a woman's detention center, a juvenile correction program with facilities, a tribal prosecutor, a full-time judge and more patrolmen; the Walker River Reservation, where one Indian policeman covers three (3) reservations and three (3) colonies; and the Muckleshoot Tribe, which desires its own resident sheriff.

The Fort Belknap Reservation has requested legal assistance in redefining and rewriting its tribal constitution, and in restructuring its law and order program to provide adequate training and services.

Clearly, however, the most difficult problem in the area of law and order is the cultural conflict between the traditional systems of the Pueblos, and the procedures, the penalties and concepts which the dominant society has sought to impose. All the Pueblos are united, with the support of many other tribes, in urging passage of the "Pueblo Amendment" to the Indian Civil Rights Act of 1968. This so-called "Ervin Amendment" would reinforce the authority, culture and traditions of tribal courts, while protecting, to the degree and in the manner necessitated by the Constitution, individual rights and liberties.

In addition to passage of the "Pueblo Amendment", the Zuni Tribe has called for the expansion of the jurisdiction of its tribal courts to include all crimes other than murder and rape. The Zunis argue that their traditional method of dealing with lesser crimes (material compensation to the victim) works more effectively than presently imposed prison sentences. Furthermore, they argue, judgment rendered by one's own immediate society has far more meaning for the individual adjudged than judgment imposed by an outside agency or society.

7. ECONOMIC DEVELOPMENT

Most tribes have seen that in spite of a continuous obligation by the Government to provide certain protections and services, the path to greater independence and survival, as well as to improving the living standards of the people, is through some kind of a carefully considered, long-range economic development plan.

A 30-year plan is being developed by the Standing Rock tribal council, which is preparing the plan in a series of community meetings in various areas of the reservation, thus ensuring community participation in the plan and support for the plan which is developed. Development on the reservation is presently limited by the inability of the tribe or individuals to obtain loans of capital, while tribal funds are tied up in the tribal land acquisition program and in the budget for the tribal government. Industrial development is limited by the inability of the tribe to guarantee a fixed labor force to a potential industry. Numbers of proposals have been made, but little legislation enacted, which will increase the availability of loan capital to the tribes. Given such legislation, if tribal businesses result, they will enable the tribe to train employees from among the available unemployed, thereby enhancing the ability to attract non-Indian industry.

Such a plan will be consistent with tribal survival only where the means of increasing the economic inflow to the community does not substantially alter the cultural heritage of the community. Thus the Santo Domingo Pueblo is trying to find industry for the Pueblo which will provide economic development and employment without impinging on the Pueblo way of life.

Past efforts at development too often have meant merely exploitation of low-paid Indian labor by non-Indian firms in the name of providing job-training or employment. Indians have rarely been trained for more than one position in a company, seldom for management positions, even when the company is operated by tribes. At Cheyenne River, the tribe successfully operates several businesses, including the only tribally owned and operated telephone company, a grocery store, cleaners, cattle sales pavilion, and filling station. The chairman justifies the hiring of non-Indians to management positions on the ground that the council is interested in success, and "demand qualified personnel regardless of race." No evidence is reported of a management training program for Indians. Thus, the absence of "qualified" Indian management personnel is perpetuated by a short-sighted policy. The Federal government, whether through the BIA, the Department of Labor, EDA, or other agencies, has frequently subsidized efforts which exploit Indian labor for the benefit of non-Indian corporations, or which provide some employment but no long-range economic development for the community, without appreciating or even considering the long-range effects on Indian communities. Too often tribes, out of desperation for

employment or income, have accepted industries on their reservations which have ended up depleting reservation resources and defecting when subsidies have expired, leaving the community worse off than before. As the consultant points out, merely adding businesses to the Jicarilla Reservation will not solve employment problems unless companies are required to train and hire Jicarillas for decent jobs.

At the Turtle Mountain Reservation, the one major industry is the non-Indian owned Jewel Bearing plant, which is federally subsidized and employs 50% Indians. The primary aim of the tribal government is to provide more such industry to provide jobs so that Indians can "make their own way." The unemployment rate is three times the national average, but at most reservations, the unemployment rate exceeds ten times the national average. Note, however, that the Jewel Bearing plant, which provides the bulk of reservation employment, apparently depends on the continuance of the Federal subsidy for the continuance of its operation on the reservation. If the firm succeeds, the profits go to non-Indian owners. If the firm fails in spite of the subsidy, or the subsidy is withdrawn and the firm fails, or moves, the Indian tribe will suffer a severe economic blow. Obviously, many reservations need some form of such industrialization to provide jobs for the community. But, to depend upon a non-Indian owned industry as the main source of reservation income does not lead to economic development.

More often, it leads to the situation found at Tule River, where there are no industries on reservation, but there is a sawmill owned by a non-Indian. The sawmill was opened in 1957, possibly with a government subsidy. The firm has depleted the reservation's timber to the point where the supply will probably last only two or three years more. The firm no longer employs many Indians - they are a minority of the work force, although a majority of the loggers are Indians. The mill will, of course, close when the timber supply is used up.

Another kind of example is the Venride Corporation, a non-Indian firm which came to the Fort Berthold Reservation in a foundering financial state. (There are a number of examples where the BIA or other Federal agencies have brought similarly-troubled firms to reservations under outside political pressure, representing the firms to be successful to tribal leadership.) The firm built a plant to manufacture coin-operated "horses" such

as those found in shopping centers, using a substantial investment of tribal funds, plus Federal money. The plant was built, but the business never got off the ground. It is apparently used by SBA and EDA as an example of Indian failure to produce a successful operation, thereby limiting the willingness of these agencies to fund other legitimate business opportunities for Indian tribes, although the failure was the responsibility of the shaky capitalization and management of the non-Indian corporation, and the failure of the participating Federal agency to accurately appraise the potential for success of such an enterprise.

The Small Business Administration, meanwhile, responding to State and local political pressures, is reluctant to make loans to prospective Indian businessmen at Fort Berthold, because of the competition this would create for politically influential established non-Indian businessmen. While SBA regulations permit the agency to discuss potential competition in appraising the chance of success of a small business, this consideration should not be used to exclude Indian enterprise, particularly on-reservation, expecially where non-Indians are using protected positions to exploit Indian trade and there are no Indian-owned businesses in the market.

The tribes have begun to recognize the value of long-term planning, as exemplified by the Zuni five-year plan. Still developing, however is the sense of competition which will change exploitation of the Indian community into development. At Zuni, there are almost 900 Zuni silversmiths and one small arts and crafts co-op at the village of Zuni. Within the same village are three non-Indian trading posts, all of which sell Zuni jewelry. All three are more visible and more accessible to tourists than the co-op. And at Gallup, New Mexico, 22 miles away, the trading posts are out-numbered only by the bars. 500 to 700 tourists visit Zuni every year for Shalako, and others for a Gallup Inter-Tribal ceremonial, but all stay at non-Indian owned motels in Gallup. Thus, as the tribe now understands and is preparing for, the key to Zuni development will be successful competition with the Gallup non-Indian business community for its "Indian dollar". This situation is also found at Fort Peck, where external pressure from the outside community is being brought against tribal development activities.

Another key to economic development is the production of jobs that will enable Indians to stay on the reservation. Federal training programs too often have prepared trainees for employment off reservation, or with skills of limited application anywhere.

There are examples of tribes who have begun the process of economic development, with positive and specific goals in the process of attainment. The Zuni five-year plan is a good example of a comprehensive development plan. It includes an industrial park, commercial development, tourism and development of the supporting resources, services and manpower which will result in total community development, and also includes a historic park.

Mescalero is emphasizing development of tourism and outdoor recreation facilities at this time, including building a tourism infrastructure (lodging, eating, drinking, activities, tours, airports, etc.) and the outdoor recreation facilities (camp grounds, roads, lakes and other facilities). It is anticipated that the plan will result in a year-round tourism complex, tribally owned, of outstanding attractiveness.

At Coeur d' Alene, plans are emerging for development of a tribal farming enterprise, owned by the tribe, which hopefully would provide a land buy-back opportunity always before neglected. The tribal timber enterprises need technical support and revamping, but agency support is needed which has not yet been forthcoming to accomplish these ends.

At Gila River, the tribe seeks NCIO help in obtaining a $5-6 million special appropriation to develop its land for agriculture, which the tribe could use to a great advantage, rather than lease it out. With the development and production of income for land, the ability to provide other improved services (e.g., police and fire protection) would overcome many present obstacles to industrial development.

At the Pine Ridge Reservation, where the state of the economy is desperate, the unemployment rate is approximately 80%, and the lack of facilities makes industrial development extremely difficult, a long range economic development plan is desperately needed. The BIA has prepared such a development plan for the reservation, which may be good in quality. However, the plan was prepared with little or no Indian involvement, a defect probably fatal to its success. It has been labeled "just another plan of the Bureau" and the Indian people have expressed the desire to make their own plans, with the support of the BIA and other agencies.

The lesson is clear that the development process must take place with tribal involvement and leadership, and with agency supportive assistance where called for, or it is not development at all, but stifling paternalism. As a review of the above described activity indicates, the tribes have seen the need for development planning, and have their own views about how such development should take place on each reservation. Without tribal involvement, a development plan cannot succeed.

Even where the development process has not reached the planning state, there are signs of hopeful progress. A member of the Tule River tribe reports the situation there as follows:

> "I think that six months ago if anyone would have tried to develop the reservation, the people would have said," Economic Development? What's that?' Today, they have a little better awareness that there are programs available."

Enlightened agency programs designed to assist tribal communities develop along their own lines may yet bring tribal communities to economic self-sufficiency.

B. Relative Effectiveness of Federal Agencies, As Seen by the Indians Served:

1. The Bureau of Indian Affairs

The focus of Project Outreach is on that portion of the Bureau's activities which take place in the field, at the tribal Agency superintendent or Area office level. Few reactions were obtained to BIA national policies.

At the agency level, the reports reflect a decidedly mixed reaction, frequently depending on the particular personnel at a given agency. Area offices, on the other hand, were widely criticized.

The chief criticism made of BIA personnel is that they are paternalistic, overly restrictive, slow to support, and quick to obstruct tribal programs. There are many exceptions, however, and some tribes appear quite satisfied with their agency superintendents. Included among these exceptions are the agencies at Southern Ute, Ute Mountain, and Uintah-Ouray, Coeur d' Alene, the Colorado River tribes, Hopi and Cheyenne River.

At Fort Peck, the tribe believes that the new administration at the agency level will provide greater flexibility, but believes that the supportive services staff needs to be changed. The tribe has strong criticism of the Billings Area office, which will be discussed later. Nez Perce also had qualified support for its agency superintendent, expressing no direct complaints, but voicing the suspicion that the agency was supporting the surrounding community over the tribe.

The same criticism was made more strongly at Fort Berthold, where fraternization between BIA Agency employees and the local white power structure has created an interest which conflicts with and tends to supercede the BIA's commitment to the Indian people. The same situation is reported at the Bad River Reservation, where the agency is seen as an obstruction to progress. At Yakima, where the BIA Agency is partially supported by tribal funds, the program, although run by the Bureau, is apparently satisfactory with the tribe. Tribal suggestions are solicited and apparently considered in the Agency operation. The tribe would, however, like to see the Federal government pay for the BIA operation as elsewhere, so that tribal funds could be used in other areas of development.

Regardless of the attitude of tribal officials with respect to self-determination and their willingness to assume responsibility for some or all of their tribal programs by contract or otherwise, all tribes feel that they should be consulted on and involved in the preparation of the annual budget by the local Agency. Where the tribe has been closely consulted, as at Cheyenne River, where a tribally-employed administrative officer works closely with BIA and PHS officials, and at Yakima Agency, the tribe seems relatively satisfied with the Agency office. Where the wishes of the tribe are ignored in budget preparation, as at Turtle Mountain, Standing Rock, Fort Berthold, Pyramid Lake, and Tule River, for example, there is resentment, distrust and widespread criticism of Bureau programs, and even those BIA-sponsored programs which might, with tribal support, be viewed as beneficial are considered irrelevant.

An interesting and somewhat paradoxical contrast in the tribal relationship with BIA agency personnel is offered by comparing the comments of Santo Domingo and Laguna Pueblos. At Santo Domingo, the Bureau officials are seen as not supportive at all of tribal needs: the officials are not advocates of

tribal interests, nor do they provide the tribe with the necessary information for effective decision-making. At nearby Laguna, where tribal income has put the tribe in a position to hire a sizable technical assistance staff of its own, these personnel are able to obtain far more assistance from BIA support personnel than tribes whose needs for technical assistance are greater.

At Turtle Mountain, the tribal council indicated that the policies made at Washington, D. C. and the area office level are irrelevant and nonresponsive to the local problems of people on the reservation, while local Agency policy has been made in accord with the whims of Agency officials, and does not meet the needs of the people for whom the services are intended. They indicated a resentment of Agency officials, because of paternalistic attitudes. However, as with many other of the more dependent tribes, there is a reluctance to "rock the boat" for fear of termination. The BIA as a whole was viewed as a "necessary evil".

At Devil's Lake, the people feel that the BIA local Agency officials, along with the Area office, are responsible for creating "red tape" and delay in programs. There is a general feeling of bitterness toward the Federal government, because of obstructive policies and regulations. But, here again there is a reluctance to complain, because of fear that services will be cut off or performed even more grudgingly than they are now.

Complaints of Agency paternalism are also reported at Fort Berthold, where BIA policies are used as excuses for not serving people. A complete revision of the entire budget process is called for, and the belief expressed that there is overstaffing in some departments and gross understaffing in others, and that tribal priorities are not considered at all. The comment is made that BIA and PHS expecially are "so busy with their jobs that they forget about the people for whom they are supposed to be working." The land operations section took particularly heavy criticism, which is discussed below.

Another picture of an Agency operation, which might be called the "public listening post" function, is presented by the report from Pine Ridge, where very severe problems exist in spite of the presence of some 83 different agencies supposedly providing assistance.

> "The people look to the Bureau for all of their needs. When they have differences with the tribe or other agencies, they go to the Superintendent with their complaints. The Superintendent listens with a sympathetic ear but nothing really is ever done to change things because the Superintendent and other BIA officials cannot afford to get involved. He, therefore, generally sits on the fence and is hesitant to make decisions. The people then are at a loss for any real recourse other than the tribe. They are extremely dependent on the Bureau, but are not completely satisfied with services which are often given grudgingly."

The Pawnee Tribe in Oklahoma is governed under a corporate charter approved in 1938 by a Nashara Council (Council of Chiefs) of eight men, two from each of the four Pawnee tribal bands, and by a Business Committee of eight men elected from the tribe at large. Each of the councils is popularly elected. The BIA recognizes the Business Committee as the legal spokesman for the tribe. (The Council of Chiefs may attend the Business Committee meetings, but without voting privileges.) Recognition by the BIA is extended only to the Business Committee, which creates factionalism within the tribe, because the Nashara Council feels ostracized. The Business Committee is said to be not responsive to the needs of the people of the tribe, although there is disagreement on this. The field consultant believes that the Business Committee is dominated and directed by the Agency, and hence has little effect on Bureau policy and function.

Thus, one sees in those BIA agencies receiving most criticism a paternalistic attitude, coupled with a variety of devices used to stifle dissent or criticism, frequently in the form of a threat of termination of services. Where tribes have begun to assert more independence, resistence by the Agency in the form of a "you're not ready yet" posture is frequent, although more often at the Area Office level than at the Agency level. Fortunately, such resistance is not always the case.

Interestingly, the Zuni plan to assume administration of the entire BIA program there received the positive support of both the local Agency and the Area office.

However, in Montana, the Billings Area office responded to questions about tribal self-determination with a view doubting tribal capacities to carry on their own functions. Given this paternalism, it is perhaps not surprising that nearly every Montana tribe had strong criticism of the BIA.

At Fort Belknap, the tribe itemized "every possible obstacle to success" which the Area office had thrown at the tribal development corporation; at Northern Cheyenne, the tribe called for removal of the agency superintendent, and suggested that while the tribe is desirous of sharing responsibility, BIA officials make no allowance for any ability residing in the tribal council; at the Crow Reservation, the tribe named five individuals at the agency office who it felt should be removed; at Rocky Boy, the tribe reports "all kinds of conflict" with the Area office; and at Flathead, the tribe calls for total realignment of the BIA from Area on down. A special conflict with the support staff is mentioned, and the 10% administrative charge levied by the BIA against the tribe for managing the forests is not earned by the BIA, according to the tribe. Mr. Chino also calls for modification of this practice. Off-reservation Montana Indians call for the removal of the Area office education specialist.

The tribes in Nevada have a different complaint about their Area office. Rather than being too restrictive, the tribes complain that the Area office, located in Phoenix, Arizona, is too far away and inaccessible, and that the small Nevada tribes are unable to compete with the large Arizona tribes for budget support from the Phoenix Area office. In addition, both the Walker River tribe and the Pyramid Lake tribe complain that their local agency services have declined since the removal of the agencies from their respective reservations to Stewart, Nevada. Both tribes would like to have their own agencies again.

Even less service is reported from the Tule River Reservation in California, which claims that the last BIA official to appear there, except for range management personnel, appeared in 1965 to talk about termination.

Mr. Chino, in questioning the necessity of Area offices at all, points out the high amount of administrative overhead in comparison with the level of program accomplishment. He advocates greater Indian control over the agency budget and program, and suggests that the entire emphasis of the BIA should be directed toward reservation program accomplishment according to the desires of each individual tribe.

Heavy support for the elimination of the Area offices comes from North and South Dakota.

The Turtle Mountain Tribe calls the Area office a waste, and asks for their elimination, as does Standing Rock and Fort Berthold. The Cheyenne River Tribe blames the Area office for bottlenecks and delays, and again mentions the use of rules and regulations to frustrate progress and development:

> "Policy based upon archaic and obsolete regulations is too often interpreted by a resentful or downright lazy bureaucrat who is about to retire and really doesn't 'give a damn' about anything but retiring. By the time these people get enough authority to really be effective they are approaching retirement and are reluctant to 'rock the boat'."

At Pine Ridge, support is found for the proposal to remove the Bureau of Indian Affairs from the Department of the Interior and place it under the Office of the President.

> "The Bureau of Indian Affairs ranks lower than other more influential departments in Interior which are in direct conflict with human interests of the Indians. The Bureau of Reclamation can indiscriminately build dams so that water invariably backs up on Indian lands. One only has to look at a map of the United States to see this.
>
> "Closer to the Oglala Sioux, the National Park Service is at this moment planning to take over approximately 140,000 acres from the Pine Ridge Reservation as an addition to the Badlands National Monument. This is part of the 342,000 acres Congress so generously agreed to allow original landowners to repurchase from the area known as the Aerial Gunnery Range. The only reason this decision was made was because of the pressure the South Dakota Stockgrowers put on the South Dakota Congressional delegation. This was not because the Stockgrowers feel charitable towards Indians. It is because influential members of that organization have considerable amounts of land leased in the "taken area", and saw and seized an

> opportunity to legally steal more land from Indians.
>
> "No member of the Tribal Council or member of the Oglala Sioux tribe was ever consulted nor involved in the proposal for legislation. No one at Pine Ridge really understands what the status of this negotiation is. All anyone knows is that new loopholes are constantly being discovered on ways to beat the Indians and regulations change from day to day. One non-Indian who made a considerable amount of money when this land was first taken now controls several units of land in the area even before the final disposition negotiations have begun. This is not right."

This is not the only problem involving land management at the Pine Ridge Reservation with which the tribe is concerned. There is strong concern over the sale of trust land to non-Indians, diminishing the Indian land base, and even more concern over the relaxation of land sale regulations by Bureau of Indian Affairs officials at the Area office level. Where the Indian beneficiary of the trust sees the trust responsibility abused in so many ways, one might suppose that the BIA were understaffed and unable to carry out its responsibility. Actually, of course, quite the contrary is true:

> "Those interviewed feel that Land Operations of BIA is grossly overstaffed administratively. Much of the work that is being done by GS-11, 12, and 13's could be done by local Indian people who are, at the present time, being rejected because of academic requirements 'dreamed up by officials who do not have the foggiest idea themselves of what the requirements should be.' The question most frequently asked is, 'Does it really take a GS-13 to count cattle or to fight a prairie fire?'
>
> "The Indian cattle ranch operators, most of them marginal, feel that the BIA Branch of Land Operations discriminates against them in favor of non-Indian ranchers. They feel that Indian land on the reservation should be available for use by the Indian first and if there is any left over that non-Indians should be given the 'privilege' of leasing with the

> understanding that if an Indian needs more land he has the first priority regardless of the number of cattle he might have."

The area of land management is certainly one area where the BIA draws considerable fire. While all tribes desire to maintain the tax-exempt trust status of their land, a status which was bargained and paid for by the cession of considerable acreage of Indian land, they expect of the trustee the same kind of protective good faith relationship as the law imposes on every other trustee, namely to act solely for the benefit of his beneficiary. It is clear historically that the Indian beneficiary has rarely, if ever, seen his trustee fulfill this obligation, and that the obligation is not presently being fulfilled in most places. Given the conflicting and powerful interests within the Interior Department (Bureau of Land Management, Bureau of Reclamation, Park Service) and within the Federal government in general (Department of Agriculture: Forest Service) there will need to be a structural change in the manner that the trust responsibility is carried out before the Indian beneficiary can be assured that his trustee can be counted on to protect his interest.

The consultant from the Dakotas reports that in that area larger reservations are more critical of the management of land by Land Operations of the BIA than are the smaller ones. The Standing Rock Tribe seeks to make the tribe solely responsible for management of the land. They feel it is "the definite goal of Land Operations officials to make it very difficult for Indians to become self-sufficient in the ranching industry."

At Fort Berthold, cattle ranching is the main industry on the reservation, yet those interviewed felt that the over-staffed BIA Land Operations is "doing everything in its power to discourage or even cause the small rancher to fail." Some complaints are that officials stipulate where fences are going to be without giving the lessor an opportunity to voice an opinion in the matter; that expenses are engineered to make expansion of Indian ranches prohibitive; that officials have demanded and accepted payment on a lease without properly executing final lease forms; and that they discriminate against Indian ranch operators. One such case is described:

> "Land Operations officials at the local level turned down three competent Indian ranch operators who attempted to negotiate a lease

> even after the Tribal chairman recommended this lease be negotiated. Their excuse was that they had to refer the transaction to the Washington office. After a short time they stated the Washington office advised the lease be re-advertised. A non-Indian successfully leased the land."

The tribe seeks final authority in the awarding of leases to remedy this discrimination.

Still another concern of the same reservation is the amount of land which is allowed to be sold out of trust status. And further, much concern centers around the oil reserves which are being depleted:

> "Because of apathy or downright stubborness on the part of the BIA, oil development at Fort Berthold is at a standstill. It was pointed out that there are producing oil wells just off the reservation boundaries. It would appear to the casual observer that all is not being done to develop the oil business on the reservation. Some people are of the opinion that state politics is delaying action."

Note that all these complaints are received from a reservation where the Land Operations staff, at the Agency and Area levels, is believed to be excessive for the services delivered.

At Pawnee, the Bureau is actively urging Indian landowners to apply for fee patents or removal of restricted status of their land. The Indian landowner is faced with the choice of having the BIA manage his land, or losing the tax exempt status which protects it. The fact that the trust status was purchased by Indian tribes in perpetuity is ignored by the BIA officials, who are pursuing policies established by the Allotment Act of 1887 and subsequently repudiated. The chief purpose of this Act at the time of its passage was to open up Indian lands for white settlement, and untold acreage has passed from Indian hands as a result of inability to pay property taxes. Encouraging Indians to remove their land from restricted status provides no benefit to the Indians, except greater freedom to lose their land to non-Indians. The original 187,964 acres of Pawnee land has been reduced to 24,695 acres.

The conclusion can be reached that reorientation of Land Operations personnel is in order, so that those who hold Indian land in trust will understand and fulfill their obligation to the Indians whom the trust is designed to benefit.

2. The Department of Labor

This agency, responsible for the employment assistance and training programs, drew relatively little comment, all of it negative.

Chiefly, it appears that this urban-oriented department has little effective applicability to Indian reservations under present program design. Here, as with other urban-oriented agencies, the insistence on maintaining national programs with little applicability to reservations seems to prevail over the concept of designing special Indian reservation programs which will be more effective.

Thus, from Minnesota and Wisconsin comes the comment that "the Department of Labor and the Employment Security Division have more than seven programs available to one reservation, but have only five Indian trainees in all of the programs combined."

Mr. Chino comments:

> "We feel that the Department of Labor is still living in the 1930's in regard to Indian tribes. We suggest that Department of Labor officials sit down and discuss the needs of Indian people with Indian leaders in an effort to meet the real needs with modern techniques. Reservation administration of Department of Labor reservation programs is certainly a need here."

Meanwhile, reservation unemployment rates average between 45 and 60 percent.

One fundamental, and often repeated, criticism is that those Federal job training programs which are available do not train Indian workers for jobs on the reservation, but rather for work in urban areas. A typical criticism, coupled with a unique suggestion, comes from the Cheyenne River Reservation:

> "It is felt by most of those interviewed that more emphasis should be placed on employment than on welfare. They feel that if funds made available through welfare could be matched and used for the development of industry that more permanent jobs could be provided and welfare problems could be reduced. We feel that creation of jobs 'HERE AT HOME' is more meaningful and would have a longer lasting effect than welfare. This would also reinstate a sense of pride and dignity in the people."

3. The Economic Development Administration

Clearly, the Economic Development Administration could hold one of the keys to the successful future development of Indian reservations, given a more flexible and affirmative response to the development needs of Indian tribes.

Tribes which have had the advantage of EDA grants are generally appreciative. They generally are the larger, better organized tribes, frequently those least needing developmental assistance. Thus, the Mescalero Tribe calls EDA's Indian desk "effective" and uses it as an illustration of the effectiveness of direct negotiations between the tribe and a government agency, without the BIA as a middleman; and the Pyramid Lake Tribe has compliments for the "excellent" services of Lee Cook from the EDA Phoenix office.

On the other hand, the Hopi Tribe points out that it took three years for its EDA project to be funded, and the Nez Perce Tribe also complains of the agency's slowness, as do the Colorado River and Cheyenne River Tribes.

Even more revealing is the total lack of development taking place on many reservations, which either are not aware of EDA's availability, or are not receiving the technical assistance or other guidance necessary to qualify for EDA grants, while, as the Minnesota-Wisconsin report points out, the agency, reportedly "because of agency policy and lack of action on program applications" has used for non-Indian EDA projects $17,709,000 in unused funds appropriated and earmarked for Indians. Apparently the agency is finding excuses for not taking action, rather than seeking out ways of making constructive use of its program funds.

Although there are apparently individual personnel who are exceptions, for the most part the regional offices of EDA, as well as other Federal agencies, are seen as the source of "bottleneck" in the funding process. The Hoopa Tribe of California reports having submitted three applications for funding to EDA with no apparent response indicating either approval or disapproval. This evidence of discourtesy, if not mishandling, of project applications is part of the process that causes delay, resulting in loss of funds. The cumbersome and apparently inefficient process has a doubly negative effect: not only do legitimate needs of the tribes go unmet for unnecessarily prolonged periods, but the tribe is discouraged by failure of response from attempting to obtain further EDA assistance on other projects.

Again, the agency needs to be reminded that its procedures do not justify themselves. The sole justification for the existence of EDA is the kind of service it renders.

4. The Office of Economic Opportunity

There can be no doubt that the Office of Economic Opportunity, and its Indian Desk under the direction of Dr. James Wilson, received the most favorable reaction of any of the Federal agencies dealing with Indian tribes. Santo Domingo, Laguna and Zuni Pueblos, Southern Ute, Standing Rock, Gila River, Mescalero, and Pyramid Lake all specifically praise OEO-ICAP programs.

Three principal reasons for the favorable reaction are: (1) the tribes participate actively in policy-making for their CAP programs; (2) CAP programs are designed to be more flexible in their method of operation; (3) CAP programs are frequently a major base of local Indian employment.

Only in two areas have OEO programs been recorded as presenting problems, other than the complaint that there is not enough money to go around. The first is one which does not necessarily operate under the OEO "Indian Desk" and is the situation where a tribe is receiving its OEO support from a regional CAP program, sometimes on a County-wide basis and sometimes on a regional basis with other Indian reservations. In both instances the complaint is heard that a particular tribe is under-represented in the direction of the program, and hence, does not receive its fair share of funds. Such a situation apparently exists at the Crow Reservation, for example, which has requested the dissolution of the Regional CAP program, and establishment of a spearate ICAP at Crow.

Another variation of this problem is the conflict created by routing Indian-intended OEO funds or program control through State, regional or local offices. All tribes are of the view that any kind of Federal program to benefit Indians should not be operated through State governments. Since the present administration is committed to increasing the control by State governments over Federal programs in other areas, there is growing fear that such policies will be applied to Indian programs as well. Although the administration has endorsed tribal sovereignty, the officials in agencies are not necessarily responsive to this endorsement. This is particularly true where termination policies have had the maximum impact on the reservation system, and Indian CAP programs are operated by Indian groups rather than tribal governments.

In Oklahoma, for example, all CAP's are going to be under State jurisdiction. Indians oppose this on the grounds that both Indian control and the effectiveness of the programs will be lost. Another example is California, where local authorities are seen as collaborating against Indian-controlled CAP programs. Recent legislative amendments to the OEO Act provided for a building up of the State Technical Assistance offices. There is fear that since the failure of passage of the "Murphy Amendment" and "Quie-Green Amendment" which would have undermined OEO's programs legislatively, there will now be an attempt to do it administratively. Indian Council members have called for NCIO to investigate allegations in this area, and insure that OEO Indian programs will be protected. The Indian people are united in calling for exemption of Indian programs from any movement to increase State government control over OEO programs.

5. Public Health Service

Just as OEO is clearly the recipient of the highest marks by the tribes consulted, there is no doubt that the Public Health Service received the lowest. The details are presented in the section on health (Section A.4, above), and need not be repeated here.

Clearly, much of the problem of inadequate medical and dental facilities and services is a result of under-funding and the personnel freeze which prevented the agency from filling vacant positions. An additional problem, however, is the insensitivity of personnel, apparently a result of lacking ties to the community they are serving. The is compounded by the process of rotation of PHS physicians, who spend no longer than two years

at a reservation. Apparently, the best qualified are moved out even more frequently. The assignment of "permanent" physicians to reservations would help to overcome this problem.

The tribally-administered Community Health Representatives program has strong tribal support, and could make the tribal communities it serves more responsive to the program, and the PHS more responsive to the people it serves.

6. Department of Health, Education and Welfare

This agency drew comparatively little comment. Everywhere Head-Start programs are held in high esteem, and many reservations are clamoring for expansion of existing programs. Bi-lingual and bi-cultural education programs sponsored by the agency are also viewed with favor where they are in operation.

There is some feeling, however, that HEW's wide range of resources is not as available to the Indian community as it should be. Like the Labor Department, HEW directs its programs through State governments, a reason given by Mr. Chino why "We have not been able to take advantage of HEW...programs as much as we should have."

State governments present "natural obstacles" to Indians. Mr. Chino suggests that such programs should be run directly from the Federal government to the tribes.

Certainly, the poor quality of Indian education and health care in most areas present areas in which HEW could play a more meaningful role.

7. Department of Housing and Urban Development

Here again is basically an urban-oriented, program-oriented agency whose relative inflexibility and lack of understanding of reservation problems has to a large extent prevented it from serving in areas of critical need. Additionally, services are slowed down by bureaucratic "red tape" at regional offices.

The details of HUD's relationship with Indian tribes are pointed out in the section on Housing, above (Section A.5).

Essentially, the grievances which fall into the category of "inflexibility" are, as follows:

There is no consideration of Indian cultural traditions in the design of homes offered by the agency. Setting up of an "Indian desk" with an Indian architect designing housing plans for reservations could create homes far more satisfying to the Indian who will live in them, with no increased cost for the agency.

Indian cultural values are also ignored in selecting homes. They are frequently clustered together in an institutional way for the sole sake of economy. This is false economy, since this undesirable clustering does not encourage the home-owner to do his utmost toward basic home upkeep.

More flexible programs need to be developed permitting construction on individually allotted land, use of HUD-furnished materials for completion of homes, and elimination of blanket guidelines, inapplicable to Indian reservations, which prevent reservations in great need from qualifying for HUD programs.

Bureaucratic processes must be simplified to allow for more rapid construction once projects have been approved. Coordination must be further improved between the agencies involved with Indian housing (HUD, PHS, BIA, and FHA).

Approaches must be devised to allow Indians to obtain necessary long-term financing where this is the sole obstacle to the securing of improved housing on a reservation.

8. State and local governments

There is virtually no tribe in any of the states covered which would prefer, under any program, to deal with a State government rather than a Federal agency. The special trust relationship of Indian tribes to the Federal government, as troubled as it frequently has been, is still preferred to a relationship with States.

Where money has been given to the States for subsequent distribution to Indian tribes, a bad precedent has been set, always to the tribes' disadvantage. Funds appropriated from the Justice Department to the States, for example, to improve law and order programs on Indian reservations under the Crime Control and Safe Streets Act of 1968 did not reach the reservations in any meaningful way. Such programs have added to the distrust and enmity that tribes have for State governments. The Outreach program consultants and Indian Council members are

unanimous in opposing the channeling of Federal funds for Indians through State governments.

It is not difficult to understand why: The States are in competition with tribes for the tribe's education money (Johnson-O'Malley) which the States take without providing for the needs of Indian children for whom the funds were intended; they are in competition with tribes for their water rights, their land and their fishery.

Programs providing Federal funds for Indian tribes through State governments often see such funds reach the States, but not the tribes. The Departments of Justice, Labor and HEW are all in this category.

Additionally, States interfere with the hunting, fishing, trapping and ricing rights of Indians, ignoring Federal law and occasionally their own.

At the same time local officials are frequently found enforcing laws discriminatorily against Indians.

Small wonder then that in addition to calling for the repeal of HCR 108 and the policy of termination, the tribes call for the repeal of PL 280, which is one of the manifestations of the termination policy. The State governments are notorious for encroaching on Indian rights.

Indians at Fort Belknap report a vast amount of hindrance by the State of Montana in relationship to tribal development. They feel that State agencies really push the projects that benefit the State, but "fight tooth and nail through State agencies against any tribal development."

A classic case of the relationship between the tribe and the State and local governments is found in the report of the relations of the Turtle Mountain Tribe with the State and local officials of North Dakota. The State refused a liquor license for a bar on the reservation because of pressure exerted by influential drinking establishment operators in towns adjacent to the reservation.

Additionally, at Turtle Mountain, the governor of North Dakota refused to approve a legal aid program after it had been funded by OEO because of pressure from the North Dakota Bar Association. This occurred in 1966 and involved the loss of over $40,000 in legal services to the poor of Turtle Mountain. Consequently, reports the consultant,

"those in poverty continue to be victimized by unscrupulous car dealers and any number of the legal traps in which the poor often find themselves."

That a bar association of a State would act to prevent the poor from being represented is in itself shocking. That the governor of the State would respond to such pressure is worse, it is indicative of the kind of protection most States are willing to provide for their Indian minority against the unscrupulous among the non-Indian majority. As a result, Indians would prefer not to have to depend on the good will of such governments.

III. COUNCIL MEMBER REPORTS

Wendell Chino

April 10, 1970

Mr. Robert Robertson, Executive Director
National Council on Indian Opportunity
Office of the Vice President
Washington, D. C. 20506

Dear Mr. Robertson:

As I notified your office on April 3, I am most pleased and honored to have this opportunity to join you in the "Project Outreach" of assessing the various Federal programs affecting the Mescalero community and our experience in the administration of the broad spectrum of Federal programs.

This report will follow the general format outlined on the second page of your letter of March 20, 1970.

First, I will summarize the general situation as we see it. The Mescalero Apache Tribe has insisted that it deal directly with each Federal agency administering programs that would benefit this reservation rather than deal through the Bureau of Indian Affairs. The tribe is implementing a basic development plan originally drafted in the early 1960s. This plan calls for pursuit of development on a project by project basis. The fundamental felt needs of our people have been divided into half-a-dozen categories, then projects in each category are assigned a priority. The projects and categories have been

designed to give us a balanced and comprehensive approach to the total economic and social betterment of our people.

This avenue encourages direct Indian involvement through its executive and legislative branches. Further, this approach breeds motivation and provides a sense of control over tribal destiny. These ingredients are necessary to reservation Indian development.

We have chosen not to approach our development through the administration of BIA programs on a contract basis as have the Salt River Reservation. However, we feel their approach is certainly valid for their situation. We have been discussing the possibility with the BIA of total supervision of the BIA Mescalero Agency program for the past year. We feel this approach may be feasible in the near future.

We have observed the Gila River Reservation Model Cities approach and again feel it is an excellent program for their situation.

We are also watching the "Zuni plan" approach with a great deal of interest and can see the validity of that approach for Zuni.

The Mescalero development approach differs from these three, basically, in that it is less formal giving us a greater degree of flexibility, is more project orientated placing the responsibility for coordination more on our internal discipline, and uses those existing tools available in Federal programs rather than seeking specific authorization and/or appropriation. We are, however, considering combinations of approaches used by other tribes to accomplish those specific goals that have eluded us.

You will note that all four above mentioned approaches to development have, in varying degrees, similar characteristics. Those are:

1. Local tribal control of, active representation in, or strong influence over the development planning and implementation process.

2. A multifaceted, comprehensive and balanced approach to development where the broad front of human needs are addressed (i.e. employment, tribal income,

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political structure, housing, education, community facilities, etc.) at the same time.

3. All groups are led, in varying degrees again, by strong, popular and progressive tribal governments and all groups are anxious to develop-realizing that in development there is risk as well as change.

4. Visible progress has been made which has fed enthusiasm; betterment has been felt to be achieved which has given confidence; and mistakes have been made, handled, and used to provide knowledge to prevent repeating errors.

The above observations are offered to assist you in evaluating the more specific answers to your outline questions regarding Mescalero, which follows:

I. Federal Program Administration:

Mescalero is interested in administering Federal programs and services. We are now administering most Federal programs and services with the exception of BIA and PHS hosptial services (although we are administering the PHS Community Health Representative Program.)

A. Conditions for Administration: Our belief is that we should:

1. Deal directly with each Federal Agency involved rather than process our dealings through the state government or another Federal agency such as the BIA. The state or BIA should not set priorities or in any other way interfere with our dealings with other Federal agencies. Our state tax and political situation leaves us at a disadvantage in our competing with other state entities. Specifically, the following programs which are now channeled through states for the benefit of Indian tribes should be directly appropriated for Indians. Indian tribes should be permitted to contract for the administration of these funds directly with the departments involved.

BIA Johnson-O'Malley and PL 815 school funds

All HEW programs that are appropriate

Bureau of Outdoor Recreation administered Land and Water Conservation Act Funds

Department of Labor Funds pertaining to the employment assistance and employment training of Indian people

Department of Justice Law Enforcement Assistance Administration Funds derived from the Omnibus Crime Act

Department of Agriculture recreation development, land and water conservation and small watershed protection programs.

We also feel we are better equipped than the BIA to represent ourselves to other agencies. Again, Indian tribes must utilize every opportunity to represent themselves. From time to time we may request BIA assistance, but this should be based on our initiative rather than theirs.

2. Deal directly with an "Indian Desk" of the concerned Federal agency. Our Indian legal and cultural situation is different enough from the great American norm that it requires special training and experience to effectively comprehend. We have experienced a general desire to help among agency staffs but such complete confusion, misconception, and lack of knowledge that agencies often revealed that they need constant pre-education. We believe that such an "Indian Desk" should be established at the Washington level considering the rarity of trained people, number of Indian communities and people, and the scattered location of Indian tribes.

   We feel the "Indian Desk" should administer agency funds that have been derived through specific Indian appropriations. This separate appropriations could define a exact commitment to Indian development, be justified on a reservation program basis, and provide flexibility needed to maximize the development potential of the tribes. Also each tribe could be called upon by the Congress to justify the program.

   The effectiveness of the EDA and OEO Indian Desk operations give testimony to the potential success of these suggestions.

3. Clear the way for the tribes to supervise the operation of the BIA programs on the reservation. Complex Civil Service and budgetary mechanisms

would have to be worked out. Assurances should also be considered which would alleviate tribal fears of termination and inadequate representation in the budgetary process. A major real BIA reorganization (more pronounced than the shifting of names and titles) also needs to be accomplished to facilitate this concept.

We also feel that a change in the appropriation system and budgetary process of the BIA should be carefully studied. BIA funds should be appropriated on a total individual reservation-program basis rather than the present branch-division system. The Superintendent or supervising tribal body should have the maximum degree of latitude and authority in accomplishing the reservation development and trust protection program.

You are aware of our questioning the need of BIA Area Offices and our suggestion that the BIA become a separate section of the Executive Branch or if it remains in the Department of Interior to elevate the head of it to an Assistant Secretary of Interior for Indian Development. The elevation of the office of the Commissioner of Indian Affairs should not stop there but concurrently should also result in more direct program funding on Indian reservations.

B. Time Frame and Present Readiness: The Mescalero Apache Tribe is ready now for the suggestions made in part A above. We have been making these comments since the early 1960s. Passing time increases our conviction that these changes are needed. We have been working along these lines within present legislative and regulation limitations for the past decade and feel we are now ready to proceed to even more responsible and sophisticated forms of administration along the guidelines above suggested.

II. Need Priorities:

We have detailed our needs in numerous previous documents and specific repetition here would be cumbersome. Therefore, we will generalize them by category. As mentioned earlier in this document, these needs have been determined by the tribe through great soul searching, individual consultations with our people, from general meetings of the tribe and after a decade of work in establishing the need and its priority.

Since we operate on the basis of a comprehensive development approach the following categories are not listed in order but as total needs to be accomplished in coordination with each other.

Economic Development: The development of our human and natural resources in order to provide full employment for our people and income with which to operate our public services. The development of our tourism and outdoor recreation plant needs the greatest emphasis at this time. This includes building the tourism infrastructure (lodging, eating, drinking, activities, tours, airports, etc.) and the outdoor recreation facilities (campgrounds, roads, lakes, and other facilities) called for in our present plans. The accomplishment of this plan will result in a year-round tourism complex of outstanding attractiveness.

We have experienced considerable success in the development of our timber, cattle, commercial and industrial development programs although individual projects still need to be concluded and accomplished.

Housing: We need to build 123 new homes on the reservation during the next three years. We especially need to devise a new housing program which is applicable to the Mescalero Reservation and which solves serious problems posed by all existing programs.

We also need to establish a Tribal Housing and Community Facility Department which will administer housing programs, develop new housing programs, manage home improvement and code enforcement programs, and manage home and utility maintenance programs.

Community Facilities: Needed is a Municipal Building to house better court, law enforcement, and rehabilitation functions. Also needed are upgrading of our law enforcement program, a sewage treatment plant with sewer trunk and laterals, better rural and community water systems, better roads, and trash removal and processing facilities.

Health Facilities: Needed is a senior citizens center including intensive and temporary care units to be operated in conjunction with our new PHS hospital.

Education: Needed is a broad program to improve the education of our people. Especially, we need to apply new and innovative techniques to our public school system which will make education relevant to the needs of our children. We are convinced a more effective approach to primary and secondary education must and can be devised which will make education desired, meaningful, and exciting to our children. The present system is not working well enough.

Community Development: Needed is an enlarged program applicable to the community as a whole which will help utilize better the developments taking place on Mescalero. Included in this category are work orientation, home improvement, home enrichment, marital counseling, crafts and hobbies, and similar programs aimed at upgrading the lives of individual families.

III. Political Structure:

We are fortunate at Mescalero in that we enjoy a strong, stable and popular political environment. Our Tribal Council is composed of all age groups, both sexes, and representatives from all major inter-tribal divisions. Through constant contact with the grass roots in individual conversations and general meetings, the leaders keep the people well informed and the people find ready acceptance of their grievances and needs. The council works well together with a very minimum of friction or division.

The Tribal President and Vice President have been re-elected every two years for a decade and a half and enjoy strong popular support. The tribal staff is organized under the executive branch. The stability and effectiveness of the President and Vice President and their staff is well known.

The tribe has been able to develop a modest treasury balance derived from operating profitable enterprises and wise investments. The treasury has enabled the tribe to provide services to its people and the matching of investments by others for development purposes.

A new constitution and corporate charter adopted in 1965 gives the tribe a modern and effective operating structure.

IV. Federal Program Administration Experience:

The tribe has experience in administering the following Federal programs:

A. BIA construction contracts.

B. Community Action Program of OEO, (Administration, Home Improvement, Employment Services, Youth Social Development and Special Education).

C. Economic Development Program of OEO.

D. Housing Authority administration of HUD low-rent housing program.

E. Home Improvement Program funded by PHS, BIA and OEO.

F. Various individual programs funded by VISTA.

G. Concentrated Employment Program funded by the Department of Labor.

H. Neighborhood Youth Corps program of the Department of Labor.

I. Summer Recreation Program funded by BIA.

J. Head Start Program of HEW.

K. School Johnson-O'Malley Contracts.

L. Emergency Child Receiving Home funded by BIA.

M. Law and Order Program under BIA.

N. Construction contracts for PHS and EDA.

O. Conservation Officer Training Program funded by eight different Federal agencies.

The Tribe is now getting ready or is just starting to administer the following Federal programs:

A. Economic Development Planning Grant of EDA.

B. Community Health Representative program of PHS.

C. Home Improvement and Code Enforcement Program of HUD.

D. Advanced Action Agency program of OEO.

E. Child Day Care Center program of HEW.

F. Vocational Rehabilitation program of HEW through state agencies.

G. Work Experience Program of BIA.

V. Federal Program Administration Obstructions:

The primary obstructions we must be constantly alert to in the administration of Federal programs are the following:

A. The program must have sufficient funds available for the tribe to administer the program. That is, funds for supervision and administrative overhead must be available in sufficient quantity for the tribe to get the job done in a reasonable manner. Our budget is small enough that subsidizing these programs would soon seriously impair our treasury.

B. In those cases where the program has not been set up for Indian tribes, we experience difficulty in helping the agency understand that we are a rural Indian tribe with different values, requirements and problems than those encountered by urban greater America.

C. In some cases, the agency cannot or will not delegate authority commensurate with the responsibility required to do the job. In other cases the agency will not grant sufficient funds to do the jobs properly. Adequate funding must become a reality in many cases.

D. Some agencies simply will not delegate certain programs for reasons which we fail to comprehend.

The Mescalero Apache Tribe is constantly looking for new programs to administer. We feel we can do a better job with most programs than can others and have been successful in past endeavors. We constantly strive to keep political and personality hang-ups out of the picture. Those programs that we feel a strong need for and which can economically handle are eagerly sought after. We do require a certain degree of administrative reason and logical economic rationale before tackling programs, however.

VI. Philosophical Attitudes towards governmental programs:

A. We have serious problems which we want to overcome. We desire a standard of life which is at least equal to that experienced by the greater American civilization. We feel we, and only we, can gain that standard and perhaps, by adding our cultural values, even better it. We know, however, that we can not do the job alone and that we must have help. We do want to get the job done and get it done now so that the Mescalero Apache Tribe can enjoy a strong, stable and prosperous future for the next many thousands of years as our people once had centuries ago for thousands of years. We, therefore, wish to blend the best of our two cultures to achieve this end. The government's programs are tools which are available to reach this end. Our ability to wisely use these tools will determine our people's future.

B. More specifically, we have these broad impression of programs:

1. The BIA does have a tendency to be paternalistic and to suffer unusual amounts of administrative overhead in comparison to program accomplishment. We feel major appropriation and structure reorganization needs to take place that will give the Indian people more control over and representation in their own reservation BIA budget and program and that the entire emphasis of the BIA should be directed toward reservation program accomplishment according to the desires of each individual tribe.

2. We believe that HUD has a great deal of interest in helping Indian people but their programs could be much more effective. The agency is urban and program oriented to such an extent that they don't seem to be able to adapt to reservation needs and often can't comprehend what the problems really are.

3. We feel the Department of Labor is still living in the 1930's in regard to Indian Tribes. We suggest that Department of Labor officials sit down and discuss the needs of Indian people with Indian leaders in an effort to meet the real needs with modern techniques. Reservation administration of Department of Labor reservation programs is certainly a need here.

4. We have not been able to take advantage of HEW and Labor programs as much as we should have. One reason for this is that most of these programs are administered through the state where Indians have many natural obstacles. We believe that Federal programs should be aimed directly at reservations from Washington as they are now aimed directly at states. There is legal precedence for funding Indian tribes in the same way that state governments are funded.

5. We believe that certain tribes in this country are ready for development now while others may wish a more traditional existence. We think those tribes that are ready and able should be helped as much as they can handle rather than spread assistance over all on some per-capita type formula.

6. We strongly support legislation which would provide loan guarantees and loan insurance to private lenders loaning funds to Indian Tribes. Consideration should also be given to offering tax incentives (income-employment-transportation) to industries locating in economically depressed areas.

7. We believe the BIA Revolving Loan Fund interest rates should be brought into line with interest rates charged by other government agencies lending funds to designated poverty areas. We also believe that the BIA be authorized to convert some RLF loans to direct grants to bring their policy more in line with the more recent legislation of other agencies.

8. We suggest that legislation modify the requirement that roads built with BIA funds be open for uncontrolled public access. This requirement precludes the use of BIA funds for roads built in recreation, forest and other areas that should be closed seasonally for public safety and resource protection.

9. We believe that any proposed policy of this administration should not permit Indian Tribes by inference or implication to become political subdivisions of the states, but that Indian Tribes should continue to enjoy their special Federal trust relationship.

10. We believe legislation should be formally introduced which will strike the termination policy from congressional policy in order that this blight can be removed from impeding Indian development.

11. Legislation should be introduced to provide that where the Indian Claims Commission has decreed that land that was once part of a recognized Indian Reservation is now occupied by the Federal Government and is not being used by the Federal Government and that the Federal Government did not legally obtain title to that land, then that land should be returned to the Indian Tribe for its use in the economic and social betterment of its people.

12. We believe that legislation should be enacted which would state that water rising on and flowing through Indian lands is not subject to appropriation or adjudication before it leave the reservation. Such legislation would give congressional support to standing judicial elections.

13. We believe legislation should be enacted which would permit the 10% administrative charge made against Indian timber sales to revert to the Bureau of Indian Affairs for use in management of the Indian forest which produced the income rather than revert the general treasury.

I wish to thank you for this opportunity to present information on the Mescalero Apache Tribe. I look forward to our meeting in mid-April in anticipation that all Indian people of this great country will benefit by our efforts.

Sincerely,

Wendell Chino, President
Mescalero Apache Tribe